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JUNE MEETING, 1901.

THE stated meeting was held on Thursday, the 13th instant, at three o'clock, P. M. ; the President in the chair.

The record of the May meeting was read, and also the list of donors to the Library.

Mr. John Osborne Sumner, of Boston, was elected a Resident Member, and Mr. Frederic Bancroft, of Washington, D. C., was elected a Corresponding Member.

An informal conversation took place with regard to the election of Honorary Members, in which the PRESIDENT and Messrs. WILLIAM S. APPLETON, ALBERT B. HART, EDWARD CHANNING, CHARLES E. NORTON, and ARCHIBALD CARY COOLIDGE participated.

It was *Voted*, That during July, August, and September the stated meetings be omitted, the President and Recording Secretary to have power to call a special meeting, if necessary.

The PRESIDENT then said : —

The names of no less than eight members of the Harvard Class of 1858 appear upon the rolls of the Society, — seven as those of Resident Members, one as a Corresponding Member. Of the seven Resident Members four had died prior to the last meeting of the Society, — Messrs. George Dexter, Henry W. Foote, John C. Phillips, and Edward G. Porter. During the month which has just elapsed the name of Robert Noxon Toppan has been added to the four, so that of the seven members of that class, also Resident Members of the Society, only Messrs. Walcott and Warren remain.

Of Mr. Toppan there is little here and now to be said by me. He was elected at the meeting of May 11, 1899, only a little more than two years ago, in recognition of the appearance of the final volumes of his very valuable contribution to the publications of the Prince Society, the Randolph Papers. Before that, though of course I knew him by reputation, I had never met him personally. At the November meeting following his election, Mr. Toppan communicated to our Proceedings

a copy of the Council Records of Massachusetts under the administration of President Dudley. From Mr. Toppan as a member it was confidently hoped much valuable work might yet be looked for. A man of but little over sixty, with scholarly tastes leading him towards investigation, it seemed at one time not improbable that he might be induced to undertake on behalf of the Society editorial work in connection with some of our manuscript material, or even with the much-to-be-desired new edition of Winthrop's History. This, however, was not to be. Owing to his brief connection, he had never served upon the Council nor been a member of any special committee, though last year he served on the Committee to Nominate Officers. His turn for more serious service would unquestionably have come at an early day. Meanwhile, during his brief membership constant in his attendance at our meetings when at home, it was manifest that he appreciated his membership, feeling a lively interest in the Society, — an interest which, but for his premature death, would doubtless have been productive of permanent and valuable results.

MR. ANDREW MCF. DAVIS, having been called on, spoke in substance as follows: —

It is not my purpose at the present time to furnish any details of a biographical nature relative to our late associate Robert Noxon Toppan. In the limited space of time at my command since I was aware that to me was to be awarded the privilege of placing upon the pages of our Proceedings some tribute to his memory, I have not had opportunity to pass outside the personal relations which bound us together as neighbors, and as I hope and believe, as friends. My acquaintance with him was of comparatively recent birth and was founded upon fellowship of tastes. It derived its origin at the meetings of the American Antiquarian Society, of which we were both members. It was fostered at the meetings of the Colonial Society, where upon one or two occasions he prompted my faltering memory with a reference upon some obscure point touching the early banks of the province, showing not only great familiarity with the subject, but a ready command of the resources stored in his mind. Our relations as fellow-members of societies engaged in historical work comprehended also the Prince Society, which I joined in order to obtain his "Edward Ran-

dolph," then passing through the press. Finally, this fellowship was rounded out by the election of both of us to this Society.

Mr. Toppan was a graduate of Harvard University, and showed his interest in that institution by establishing a fund for a prize for the best essay on a subject of Political Science. It has chanced that I have twice served upon committees to whom were delegated the task of determining whether the essays submitted were worthy of the prize, and, if so, to report in cases of competition which was the best. While this service did not in either case bring me in personal contact with him through its performance, still it will be readily conceived that the perusal of a number of essays, some of which were contributions of distinct value to our local history, has added another link to the chain of appreciation which has bound me to him, and has enabled me to understand better the motives which prompted him in making this foundation.

He was deeply interested in the prosperity of the local Historical Society at Newburyport, and his mind was active in searching for devices which should stimulate the activity of the citizens of that place in historical work and thus secure for the Society something more than a mere perfunctory existence. His own work in that direction took the form of a publication termed "Biographical Sketches of Old Newbury."

I have already intimated that he was much interested in the subject of "Money." This was doubtless due to the fact that his father was interested in bank note engraving, and was one of the founders, if I am not mistaken, of the American Bank Note Company, of which company Mr. Toppan was himself a director or trustee. He served on the International Coinage Committee of the American Social Science Association, was a delegate to the International Congress, in 1878, for the unification of weights, measures, and money, and published more or less material touching upon the topic of money. Here again we were to a certain extent upon common ground, and he took great interest in the engraved notes of our provincial currency, being especially interested in the impression from the middle plate of 1702, which illustrates in our Proceedings a paper read in December, 1899. The arrangement of the bills upon the plate and with reference to the stub were new to him, and he procured a copy of this impression for the archives of the American Bank Note Company.

When a young man he had travelled extensively in Europe. He at one time hoped that he might secure some diplomatic appointment. In this he was disappointed, but he brought back with him a mind stored with interesting reminiscences, from which he could draw, upon occasion, to the great interest of his hearers. I remember very well being present at Professor Channing's house at a meeting of the History seminar, when Mr. Toppan's natural modesty was overborne and he held the attention of the class with a series of anecdotes of personal experience amounting almost to historic importance.

Mr. Toppan could not come in contact with any person, without leaving behind him a favorable impression of his personality. When his name was submitted to this Society for ballot, I was struck with the tone of personal respect and high appreciation which characterized the remarks of Dr. Slafter, who vouched for him. This was the natural and inevitable outcome of their contact in the work of the Prince Society. Dr. Slafter predicted that this Society would derive much benefit from Mr. Toppan's membership. The period of his connection with the Society was too short for the full realization of this prophecy, but after the publication of his great work on Edward Randolph, Mr. Toppan continued his labor in the same general field by publishing in the Proceedings of the Antiquarian Society the Andros Records, and in the Proceedings of this Society the Dudley Records, thus filling in an important gap in the publications of the colony and province.

Mr. Toppan's utterance was rapid and his enunciation indistinct. Hence he was not well fitted for public oratory. In addition to this he was modest, almost to a fault. Yet he never shirked a public duty, nor allowed his modesty or his indisposition for public speaking to keep him silent when he felt that he was likely to be misunderstood. He was a particularly rugged-looking man, and would have been selected by most physiologists as a sample of good health and of probable longevity. Beneath this rugged exterior there was a strong flow of human sympathy, and with opportunity for observation one saw at every turn the evidences of a gentle, affectionate disposition. He was highly cultivated in various directions, and was blessed with a retentive memory. His "Edward Randolph" is a standing memorial of his industry and an adequate testimonial to his capacity.

Fortunate in his domestic arrangements, living in a beautiful home built by himself upon one of the choicest sites in Cambridge; the possessor by inheritance of means abundant for the support of his family, — he was so situated that there seemed to be nothing to disturb his daily life, no shadow which could cast its blight upon his future. His sudden and untimely removal has left a desolate home, and has made a gap in the ranks of this Society which we cannot easily fill.

Mr. EDWARD CHANNING stated that, in common with other members of the Society, he had examined Mr. Toppan's "Edward Randolph" when it was published, and had recognized it as a serious and careful bit of work.

Last winter he had had occasion to review the history of Massachusetts from 1670 to 1690, and had been obliged to use Mr. Toppan's works critically. The result of this careful study went to show that the Memoir of Randolph was an admirable performance. Workmanlike and painstaking, it contains an invaluable mass of most interesting information, — much of it nowhere else to be found. Unfortunately the lack of literary skill makes this information accessible to only the careful student.

The original papers in the Randolph volumes, with the Andros Records, printed by the Antiquarian Society, and the Dudley Records, printed in our own Proceedings, attest Mr. Toppan's assiduity and skill in collecting material. In their completeness they are monumental, and will always serve as a model to future compilers. In short, Mr. Toppan may be said to have rescued from oblivion the evidences for the study of one of the most remarkable crises in the history of Massachusetts.

Rev. Dr. SLAFTER, President of the Prince Society, spoke of Mr. Toppan, in substance, as follows: —

About ten or twelve years ago I became acquainted with Mr. Toppan and his interesting family at Little Boar's Head, New Hampshire, where we were passing the summer. In our conversations I saw clearly that he was a good scholar and a careful and conscientious investigator. Consulting with Governor Charles H. Bell, who was our neighbor, and at that time a Vice-President of the Prince Society, we came to the conclusion that he would make a valuable member of our

Council. In due time he was not only elected a member of the Prince Society, but its Corresponding Secretary, which office he held and discharged with great fidelity and promptness till his death.

Soon after he became a member of the Society, he was requested to prepare a monograph on the celebrated Edward Randolph, whose career was so intimately connected with the Colony of Massachusetts Bay. This was a work of no small dimensions. Very little of his correspondence had ever been printed. It was scattered, far and wide, in known and unknown depositories of historical material. To ferret it out and bring it to light was, of necessity, a long and difficult task.

Mr. Toppan entered upon the work with energy, zeal, and even enthusiasm. He spent several weeks in the archives of manuscripts in the State House in Boston, carefully copying out with his own hand whatever related to the Randolph controversy. He afterwards visited London, and made researches in all the possible depositories of manuscripts relating to the subject in quest. He made thorough investigations in the Bodleian Library at Oxford, and ascertained in some way, we know not how, that certain letters of Randolph were in private hands. Copies of these were not permitted to be made, but the originals were offered for a "consideration." The Prince Society lost no time in making the purchase.

All these researches, so briefly alluded to here, extended through not less than seven or eight industrious years. Such investigations cannot be hastened. The eye, wide open, with abundant time, sees often what eludes all hurried investigations. When this "collecting process" was completed, there was not a *known* letter or document of any kind relating to the Randolph controversy which was not in our collection. It would be imprudent to say that there was absolutely none in existence, but we run little risk in hazarding the *opinion* that there is to-day no important document relating to the controversy not included in the five volumes of the Prince Society's publication.

The Memoir of Randolph is chiefly a statement, in chronological order, of the events of his life, entering largely, perhaps too largely, into details. A method more compressed, equally comprehensive and clear, would doubtless have rendered the

narrative more picturesque and entertaining. But the historian, for whom these volumes are prepared, may perhaps find greater assistance in these apparently over-abundant and dry details.

All of the five volumes are heavily annotated, and display a vast erudition and a wide collateral reading. The references are so clearly stated, as required by the rules of the Prince Society, that they can be easily found, and cannot fail to be a great aid and convenience to the historical student.

This monograph on Edward Randolph is the *magnum opus* of Mr. Toppan's historical career. It was his first and, we regret to say, his last great work. It is a monument of which any scholar might well be proud. By his sagacity, perseverance, and unwearied diligence, he has brought together, in original documents, the means of forming a just opinion of the character, the aims, purposes, and motives of Edward Randolph as a loyal subject and agent of the English crown. The historian is, and will forever be, under special obligations to Mr. Toppan, for the achievement of this important work. I know of no one who would have done it better; indeed, I know of no one who, I believe, would have done it so well.

MR. MELVILLE M. BIGELOW, having been asked to give his personal recollections of the late Bishop Stubbs, said:—

There is a legal maxim which historians have sometimes borrowed, to the effect that jurisdiction over anything draws jurisdiction over all things accessory to it. I shall have to invoke that maxim this afternoon, or take my seat very soon. My personal recollections of the late Bishop of Oxford—meaning recollections of face-to-face acquaintance with him—could be told in a few words; for they cover but a short time and are in no way remarkable. Indeed, they are not recollections of William Stubbs, Bishop of Oxford, but of William Stubbs, R^{egius} Professor of Modern History; and I presume there are others here who knew him, even in that capacity, better than I did.

You will then, I am sure, permit me to make use of the maxim to give expression to some thoughts which naturally grow out of personal recollections, though no part of them.

I first met Professor Stubbs in the summer of 1880, and then saw him often for perhaps six weeks, possibly not so long. The manuscript of a certain History of Procedure in England had

fallen into his hands some time before, and I was now in England to see it through the press. At the suggestion of Professor Stubbs, I had found lodgings in Broad Street, Oxford, next door to Kettel Hall, where Professor Stubbs himself lived, and was at once welcomed and invited to come to his house as often as I could. On my first appearance there, Professor Stubbs, to my surprise and delight, asked if he could not read my proof-sheets. He read them, and, I need hardly say, to my profit. At the end of the book there is a considerable collection of documents, most of which had never before seen the light. Many of these were now read by Professor Stubbs before they went to the printer; they interested him; and though he had not seen them before, he commented upon them as readily and as helpfully as if he had always known them. He seemed to recognize them at once; in many ways he was much more familiar with them than I was. I knew them only as documents of a legal nature, illustrating certain phases of legal procedure; he knew them, I was going to say, personally; he knew where they came from, who had written them, who many of the persons named in them were, what in many instances the story was about. Nothing so impressed me with the extent of the stores of his knowledge and of his ready command of what he knew.

And so my acquaintance with Professor Stubbs went on until he or I left Oxford.

You can make a pretty good guess of some of my personal recollections of the author of the "Constitutional History of England," after what I have said. A most kindly man; a man full of sympathy with others who were working in historical fields, especially with those younger than himself; a man without a trace of jealousy, simple and unaffected in manners, generous in the highest degree in judgment of others, modest equally in regard to his own work. Of these qualities perhaps his kindness struck me most. At a time when controversy, in fields of history where he certainly was one of the masters, was always heated and often bitter, he steadily kept aloof; he would not pass the bounds of friendly discussion. If he could not have friendly relations with others, he would have none at all, — that appears to have been the ground he took. He would not even review books; to be honest, he would often be compelled to say disagreeable things. He

preferred to keep silent, except when duty called him to speak.

In conversation Professor Stubbs was full of "light and leading," fluent enough, without being what is called a great talker. But what of a certain gift which most men supremely covet? — had Professor Stubbs a sense of humor? Who, from reading his Constitutional History, or his Prefaces in the Rolls series, or his dissertations in the Select Charters, could believe it? Can a man have humor who can write three big volumes and never show sign of it? Pardon me; I have not read a single volume of the Constitutional History through — has any one else? — but so far as I have read I have nothing to remember but serious periods, with judgments scattered along as cold as they are final, — as final, in the words of another, as the crack of doom. But if any one is convinced that Professor Stubbs was a man without humor, give me leave to undeceive him, especially if it be true, as a very brilliant member of this Society has intimated, that a literary man cannot be great who is wanting in humor. If that be true, I want to say that that element of greatness was not wanting in William Stubbs. It is not necessary, I hope, to recall instances, after the lapse of more than twenty years: they must have lost their freshness and perhaps their point by this time; and possibly infirmity of memory might distort them. But that Professor Stubbs had at least a fair share of humor — enough to add a distinct charm to his speech — I know from a lively impression. He kept it out of his histories — I believe he resolutely kept it out; he did not keep it from his friends, whether at home or in the classroom. Read his lecture on the "Reign of Henry Seventh." The period is not one with which I am familiar; I suppose that it is one of the least interesting of all periods of English history; my impression of it is of something dry and tedious in the extreme. Could it be made readable? Professor Stubbs, who is justly believed to be unreadable, has lighted up the subject with a vivacity and humor that few men could have given to it. "The Reign of Henry Seventh" is readable — it is literature; a thing perhaps, in the eyes of the lecturer, to be pardoned. "Some part of the volume," says the author in his Preface to the lectures, "may be readable . . . and the readable part trifling." Serious history must not be written in that way! Be it so, if otherwise we could not have

the Constitutional History. It may be trifling to write history as literature, though there are not a few who deny it ; it may be trifling, but William Stubbs had gifts which the Constitutional History does not reveal — nay, which his great work must needs conceal ; gifts we are glad to find — gifts we must not permit him to make light of.

The lecture on “ Henry Seventh’s Reign ” is not alone in its evidence. Let me cut the matter short by repeating the story from St. Augustine’s Confessions, with which he lights up the close of another lecture. Some one had asked how the Almighty, who was from everlasting, could have been employed before the heavens and the earth were made. “ He was preparing hell for the historians,” was the reply, — “ *scutantibus gehennas parabat.*”

Of such are my recollections of Professor Stubbs at the height of his fame. Doubtless much more remains to be said about his personal traits. He tells us some things himself, though one fears self-disclosure. In his last lecture as Regius Professor, he speaks of weakness of temper ; I venture to think that he must have been sorely tried to say an unkind word ; ill-tempered I cannot believe he ever was. He intimates that he had been called “ sentimental,” and confesses to feeling so ; I am surprised both at the charge and at the confession. Then, however, he says what one may well believe, — that he did not like organization, or at least that he did not like to organize for others, and did not like to have others organize for him. As I have said, one can believe that, for there was in him, plainly, the kindred dislike of systematic work, not indeed in writing history, but in the class-room. He is constantly telling us in his lectures that his methods are desultory, and constantly exemplifying the statement.

I have, sir, enlarged my jurisdiction, if my legal friends will pardon me for mixing maxims of the law ; may I extend the bounds still farther ?

Professor Stubbs went to Oxford as Regius Professor in 1867 ; there he remained seventeen years, until 1884 ; from 1884, for another period of seventeen years, he was a bishop in the Church of England. With the latter period I am not concerned. He went to Oxford as vicar of Navestock, unknown to the world, as much so as the place from which he went. When I met him, only thirteen years later, he was the most

famous man at Oxford. His fame was in all lands; honors from places whose honors were coveted as the highest in the world had long been pouring upon him. Was this an accident of place? Was it because Oxford had called the vicar of Navestock? One cannot say so, even after the reaction which time has brought. Nor could Professor Stubbs have grown so much in thirteen years. He, no doubt, had grown at Oxford, but he must have been a remarkable man when he went there. Indeed, we know something of William Stubbs, vicar of Navestock. He had already edited "Benedict of Peterborough," for the Rolls series, and done other first-rate work. Oxford was only the occasion, not the cause — it was *causa remota*, not *causa proxima* — of what followed.

True, but Oxford was the occasion; and, note the fact — Oxford itself had, as a seat of learning in history, passed through much the same experience as had its famous Regius Professor. The vicar of Navestock found Oxford about as he had left it sixteen years before, — a great University, indeed, but with no special repute as a seat of historical work. That was the new professor's opportunity. The opportunity, I venture to think, made Professor Stubbs as much as he made Oxford a place of renown as a nursery of historical learning. Freeman and Froude, his successors in the Regius Professorship, were men of great learning and distinction, though not his equals; both went to Oxford, as Stubbs did not, at the height of fame, but neither of them gained reputation there; neither of them added anything to the reputation of Oxford. This argues much indeed for Professor Stubbs; but it must not, I think, be overlooked that Professor Stubbs, though he deserved all the honors he received, was a lucky man. The new era in historical learning had just opened in England; Stubbs was ready; a great place called him, and he stepped into it. But he was equal to the opportunity, and Oxford, in his own day, mainly through his own guidance and labors, became almost if not quite the most famous seat of historical study in Europe. In the field of history Professor Stubbs found Oxford brick, and, builder as well as architect, left it marble. Author of the "Constitutional History of England," founder of the Oxford School of History, — that were enough for any man.

There are histories written by Englishmen between Gibbon and Stubbs; take them down from your shelves, wipe off the

thick dust, and piously put them back for another long sleep — unless the author be Macaulay. Macaulay we *will* read, because Macaulay is readable. Of the contemporaries of William Stubbs, not more than one Englishman can stand beside him. Still, yesterday I took down from the shelves of the Social Law Library his Constitutional History, — truly a great work, complete, just, for all time ; but dust was already gathering upon it. After personal recollections have passed away, Professor Stubbs, I fear, will be known only to students of constitutional history.

Mr. WORTHINGTON C. FORD communicated a large and important collection of letters from Joseph Jones, of Virginia, to James Madison, and said : —

In 1837 Congress purchased from Mrs. Madison certain manuscripts of James Madison, the most important being his Notes of Debates in the Continental Congress of 1782, 1783, and 1787, and the more famous debates in the Constitutional Convention of 1787. The price paid was thirty thousand dollars. Eleven years later, in 1848, Mrs. Madison offered to sell for twenty-five thousand dollars the unpublished manuscripts of her husband. A measure of skimmed milk was delivered to the Government, for the cream of the correspondence was held back. The letters from Washington, Edmund Randolph, Edmund Pendleton, John Armstrong, Joseph Jones, and others, with many hundred drafts of Madison's letters, written in his most minute hand, usually on narrow slips of paper, were retained, and what is known as the "Madison Manuscripts" in the Department of State at Washington is merely a part of the whole, and comparatively the part of secondary importance. Upon the death of Mrs. Madison these valuable letters passed to her son, Payne Todd, "the most unambitious commonplace of life," who drank himself first into debt and then into his grave. He was befriended by Mr. James C. McGuire, of Washington, who received the Madison letters from Todd, and they were in the possession of his son, Mr. Frederick B. McGuire, when I saw them. Knowing that it was only a question of time when they would come into the market, I interested the Secretary of State, Hon. Thomas F. Bayard, in the matter, and at his direction a part of the let-

ters of Joseph Jones, covering the period 1777-1787, was printed in a limited edition for submission to Congress in the hope that the Government would purchase. Mr. McGuire readily granted permission to make the necessary copies of the letters, and generously offered to submit any or all of the manuscripts in his possession for the same purpose. Poverty and partisanship, the latter rather more than the former, interfered with any action on the part of Congress, and a few years later the entire collection was disposed of at auction — an irreparable loss to students of history. I do not know where the originals of these Jones letters are, and am unable to make good some omissions and errors which occurred in copying. The series now submitted extends from 1788 to 1802, and the letters are all from Jones to Madison.

Little is known of the writer of these letters, and that little is given in the introduction to the volume just mentioned.¹ In 1889 Mr. A. G. Grinnan, of Brampton, Virginia, sent me some additional facts which are interesting.

“In 1764 he [Joseph Jones] was styled in some old papers as being from Spotsylvania Co. In 1765 he hailed from King George County. He was a lawyer, and I have memoranda of merchants in Fredericksburg, Va., directing Orange Co. claims to be put in his hands for collection. So he practised law in Orange Co. In that county he owned several estates which he seems to have sold at an early date. . . . He was a man of some means, for I have seen a memorandum of a merchant of Fredericksburg agreeing to take him as security to a forthcoming bond for some £200 or £300. The last notice I remember of him is that he was a member of the Virginia Council of State in 1788.”

In Henry’s “Patrick Henry” there is printed a letter from Jones to Woodford, dated 13 December, 1775, one of earlier date than any I have used. The sister of Judge Jones was the mother of James Monroe, and I find a reference in the Monroe correspondence. Writing to Madison from Bath, England, 10 January, 1806, Monroe said:—

“I have just heard of the death of our estimable and venerable friend, Mr. Jones. This event has afflicted us in the manner it was natural it should do, as he held the place and was always regarded

¹ The full title is “Letters of Joseph Jones of Virginia, 1777-1787.” Washington: Department of State, 1889. The edition was one of 250 copies.

by my family as a parent. We hoped to have found him in good health on our return, and it was a part of our common plan, in which we were greatly interested, that he should have passed his declining years under our care. It is consoling to know that he died in Fredricksbg. where he would receive all the aid and attention which medical skill and friendship could furnish. We feel much interested in the welfare of his son, by whom the loss will be most sensibly felt. We hope that the event, by calling to his mind in the most forcible manner the virtues and merit of his father, may induce him to make them the pattern of his conduct. He is a well-disposed youth, and we shall endeavor, in our regard for him, to shew our remembrance of the good offices, and our affection for the best of relatives and friends.”¹

Judge Jones was at heart a moderate man, and the correspondence emphasizes this side of his character. When Jefferson laid down the cares of the State Department, he was soured in temper and exasperated by the success of Hamilton in opposing his views. Madison had been a ready comforter, but had not become so vituperative as his leader. It is impossible to imagine, for example, that Madison could have written much that is set down with such unnecessary harshness in the “Anas.” Much as he distrusted Hamilton, it was his policy and not the man he antagonized. This absence of extremes is noticeable in one of these letters of Jones. We can hardly picture a Virginian writing of John Adams to Jefferson in terms used to Madison. The “Defence of the American Constitutions” is to-day discussed even by the well-read in much the same language as is used by the unlearned towards the notable essay of Malthus. It has come to represent a principle which can be made the subject of general conversation in very general phrases. It was otherwise with the “Defence” in the last century. In 1787 at its first appearance Jefferson read it “with infinite satisfaction and improvement” and expressed the belief that it would do great good in America, coupled with the wish that “its learning and its good sense will make it an institute for our politicians, old as well as young.”² It was not long before he would have much liked to blot out that opinion. Four months later Madison had discovered its dangerous doctrines unfriendly to republicanism, and the volumes were later denounced as a “mock

¹ Writings of James Monroe, IV. 391.

² Jefferson to Adams, Paris, 23 February, 1787.

defence," and in reality an attack upon the republican constitutions of this country. It is significant that Jones does not go to this extreme, and while deploring the quality of the work, entertains a hope that Adams is not so bad as he is represented. We thus have stages or degrees of political views, beginning with Jefferson, the extreme, passing through Madison, a not intense partisan as yet though soon to become one, and finally resting in Jones, a moderate. This gradation throws some light upon the disappointment experienced by Jefferson when he resigned his position in Washington's Cabinet and came to Monticello. He had been writing freely to his friends of his troubles and heavy sacrifices of peace and comfort while fighting their battles against Hamilton and his "Treasury following." He had drawn harrowing pictures of the prevalence of corruption, the danger to popular government, and the approaching overthrow of the constitution. He naturally expected to find his neighbors awake to the perils and eager to side with him in sounding the alarm. But his neighbors were more intent upon the cultivation of their lands, the prices of wheat and tobacco, and the question of taxes. In the first weeks of despondency he expressed his doubts to Madison:—

"I could not have supposed, when at Philadelphia, that so little of what was passing there could be known even at Kentucky, as is the case here. Judging from this of the rest of the Union, it is evident to me that the people are not in a condition either to approve or disapprove of their government, nor consequently influence it."¹

The fact was that most of the Virginian following of Jefferson were in the position of Jones,—moderates in opinion, and not feeling the passion that seems at times to take complete possession of their leader.

From another point of view this record is of interest. Chesterfield has noted that a letter shows the character of the receiver as well as that of the writer. We may thus learn something of Madison from these letters addressed to him. Madison lived long enough to have some doubts on certain of his actions, and to destroy a part of his correspondence bearing upon those actions. He was not a weak man, yet he was subject to any strong influence brought to bear upon him.

¹ Jefferson to Madison, Monticello, 15 February, 1794. Writings of Thomas Jefferson (Ford), VI. 499.

During the agitation for a constitution no one could be a better Federalist. His part in writing the "Federalist" showed the extent to which he was trusted by the party in favor of the constitution, and how well he fulfilled that trust. An acute critic, one possessed of the mind of a scholar tempered by a long and varied experience in public affairs, John Quincy Adams, has pointed out that even in the "Federalist" essays may be found the seed of difference between the two leading writers. In the ninth essay, written by Hamilton, the subject of faction is treated from the standpoint of a *confederacy* and a *consolidated state*. Madison in the tenth essay deals with the same subject, but takes it from the side of *democracy*, or the rule of the people, and *republicanism*, or representative government. Hamilton's tendency was towards government, Madison's was towards the people.

It was some time, however, before Madison broke with Hamilton, and an even longer time before he became estranged from Washington. The opposition to the funding system of Hamilton was the beginning of an open rupture with the Secretary of the Treasury, and the influence of Jefferson brought Madison bag and baggage into the ranks of the Democratic party. Indeed this influence may be measured statistically. Taking the published correspondence of Madison for the years 1785 to 1800, a period covering the active agitation for a closer union of the States under an effective constitution, the two administrations of Washington and one of Adams, I obtain the following result:—

	No. letters printed	Addressed to Jefferson	Per cent to Jefferson
1785-1788	122	29	24
1789-1792	83	19	23
1793-1796	84	62	74
1797-1800	48	40	83

This gradual and almost complete absorption by Jefferson was not wholesome for Madison's fame. No one could love Virginia more than did Madison; no one would have been willing to make greater sacrifices in its behalf; no one man did Virginia a greater or more irreparable injury. His commercial policy, dictated at times by Jefferson, completed the ruin of the State, and struck it a blow that reduced it from the first in importance to a position quite unimportant. Mark

the distribution of rewards. When the great monument to Washington at Richmond was erected, and it became necessary to designate the four Virginians worthy to grace the pedestal and surrounding features, Madison was deliberately set aside, not because of the real and lasting injury he had wrought against the State, but because of his efforts in securing the adoption of the Constitution of the United States. The Virginia resolutions of 1798 could not atone for that act, one that in the end was to triumph over the doctrine of State Rights. He was punished for the very deed which in Massachusetts would have been regarded his greatest glory.

(And this brings me to the last historic point suggested by these letters, their bearing upon Massachusetts history. From 1760 to 1774 Virginia and Massachusetts stood shoulder to shoulder in protesting against the oppression of ministers and Parliament. They produced three great demagogues, — Samuel Adams, Patrick Henry, and Richard Henry Lee, — demagogues in the best as well as in the worst sense of the word. Together they labored to light the fires of revolution, and well they accomplished their ends.) But each remained an agitator too long, and fell upon times when something more was necessary than to denounce oppression. Each used the name of liberty until it ceased to have any meaning or to arouse a sense of wrong to be righted; each made liberty a poor, weak, helpless creature, threatened by every passing wave of political action, and to be saved from destruction only by these self-constituted guardians. Each passed from the prophet, the inspired one, to the priest, the custodian of the inspiration of others, and in the process there is a hardening, a crystallization preventive of growth. The apostles of liberty of 1774 became the ultra-conservatives of 1787, and their usefulness was at an end. In this period the interests of Virginia and Massachusetts drew apart. There were many points of difference, and Jefferson exaggerated when he said, "Throughout the whole Revolution, Virginia and the four New England States acted together; indeed, they made the Revolution. Their five votes were always to be counted on; but they had to pick up the remaining two for a majority, when and where they could."¹ Differences were early developed on requisitions, quotas, the fisheries, and the Mississippi, and the cessions

¹ Private correspondence of Daniel Webster, I. 364.

of the western territory. In time the differences multiplied in number and increased in force, for the two States in social and political policy were totally opposed. The questions of slavery and the weight to be given to slaves in determining representation, and the economic problems of shipping, of tariffs, and industries separated the two peoples beyond any prospect of an approach. In the period covered by these letters the differences developed and were aggravated. Hamilton's financial measures,¹ Washington's foreign policy, Adams's monarchical leanings and practices, the first tariff, the commercial relations with France and England, and the apparent neglect of the Mississippi, constituted good grounds for a divergence. These letters of Jones, therefore, reflect this cleavage of individuals, of political parties, and even of States.

[September or October, 1788.]

DEAR SIR, — On my return the other day from the upper country I found your letter for me at Col. Monroe's. The question then depending respecting the place of meeting of the Congress under the new government has I find been since decided in favor of New York, and the different periods fixed for the States to give operation to the government.² Although I am sensible the proceedings that have been had in Congress respecting the place where the first session should be held will make unfavorable impressions of the policy of the eastern States, yet when the nature of the question is considered, some allowances should be made for local prejudices which more or less actuate all public bodies where the object is local. I confess I consider the agitation of the question by the present Congress as premature, and tending to con-

¹ It is truly extraordinary how impossible it was for a Virginian to grasp the meaning of Hamilton's reports. One reason may have been the curious system of plantation sales and estimates of profits of cultivation. In valuing his crop, the planter generally made the sum of two and two five; his factor or agent in England or Scotland, as a rule, made the sum of the same figures to be three. As the planter gauged his expenditure by his own estimates, it was only a question of time when bankruptcy would ensue, and most of the plantations at the opening of the Revolution were heavily mortgaged to Scotch factors, accounting for the dislike often displayed to Scotchmen in that colony. I know of few more pathetic records than the many pages of figures in the Jefferson Manuscripts, compiled in his effort to understand Hamilton's propositions. Madison and Monroe were equally mystified, and Judge Jones believed the reports were intended to cloud the subject. When these men undertook to express their views on finance, they began with a few figures, passed rapidly to general denunciation of the "paper gang," and ended by drifting into a discussion of some abstract question, such as "whether one generation had a right to bind another."

² Determined 13 September, 1788. See *Madison to Washington*, 14 September, 1788, in "Writings of James Madison," I. 416.

firm the prejudices of those of the present body who may become members of the new legislature, and thereby introduce that warmth into the discussion of the question hereafter which I hoped would have been avoided. The decision for establishing the federal seat of government appears to me to have been more proper for the deliberations of the new than the old government, and I am disposed to believe notwithstanding the probability of the State spirit being carried into the Senate that it will exist in a less degree than it has hitherto done in Congress, as the members from each state are few, and these, it is to be presumed, will be selected from the most enlightened and virtuous of their citizens, especially too when it is contemplated how great are the powers vested in that body. May not the legislatures of the States should they incline to do so choose the electors themselves instead of referring the choice to the people? The words of the Constitution are not so clear on that point as to restrain these public bodies from assuming the exercise of that power, and we know all public bodies are but too apt to assume rather than relinquish power where by any construction of terms they may interpose authority.

There are I am told in the Frederick gaol two men confined and to undergo an examining in court for altering the final settlements by extracting the ink or figures and inserting others to a much greater amount. Their names are I think Willet and Whitney; a third it is said was concerned with them who is gone off, and I think named Grant. These men I hear have been in the eastern States practising the same forgeries and impositions, and that some of the certificates they had passed have been presented to the treasury office in New York and decided to be forgeries. It will I fear be difficult to prove the fact upon them, so as to bring them to condemnation. The nature of the offense is such as to be difficult of proof.

I go for Richmond in a few days.

RICHMOND, 20 October, 1788.

DEAR SIR, — I found on my arrival here the other day your favour of the 4th inst. Col. Carrington has not yet reached this place but is daily expected. He has, I hear, spent a few days at Mt. Vernon on his way, which has delayed his arrival. This is the day for the meeting of the General Assembly, but I am told a few members only appeared, owing probably to the sickly state of people in general through the country, perhaps in part to an opinion that prevails in the country, that a contagious disorder pervades the town. Some persons here have been carried off by a putrid fever, which was a few weeks ago rather alarming, and induced me to retire for some time; but is now, I believe, entirely removed as I hear of no person confined by it. The common

fall fever still prevails to a degree, as well here as in most parts of the country. The new capitol will in a few days be in condition to receive the members of Assembly, to which building they will probably adjourn when the houses are formed. As yet their politics are but conjecture. A short time will open their designs. The G[overnor]¹ has it in contemplation to bring forward the adoption of the measure proposed by New York, for another general convention. It is said the citizens of Williamsburg are not fond of the measure, and he says unless they will send him unfettered in that respect he shall decline serving in this session. Several are spoken of as fit persons to be chosen senators — yourself, R[ichard] H[enry] L[ee], G[ra]y[son].² It is said the two last are desirous of acting. Your sentiments are unknown, and if you wish to serve, the sooner you promulgate your desire the better, as I well know you will meet with some opposition, whether formidable or not is yet to be discovered. R. H. L[ee], G[ra]y[son], B[lan]d, Har[riso]n, B. R[an]d[ol]ph have been spoken of as candidates for the Governor's chair. The two first, I hear, prefer the appointment above mentioned. It is said H[enr]y will espouse the appointment of R. H. L. You shall occasionally hear from me.

RICHMOND, 21 November, 1788.

DEAR SIR, — I have returned to this place a few days past and in rather indifferent health. Cool settled weather seems to be wanting for the restoration of good health to many of us. This fall has exhibited more changes from very warm to very cold weather than I ever experienced, and has been fatal to the health and lives of many. At present it is uncommonly warm, and every morning a thick fog. Mr. Dawson, I expect, has given you the history of the proceedings here antecedent to his departure. Since my being in town, a bill entitled an exclusion bill passed the Delegates and will the Senate. It is calculated to prevent the same persons executing or holding offices under both governments. The policy as to some offices I think well founded, but as it stands, from what I have heard, for I never saw the bill, it is perhaps too general, as it manifestly tends to multiply officers and expence. The business of the Judges and District law has been brought forward. Yesterday several resolutions were agreed to in Committee of the Whole and also on the report by the House to this effect — the Chancery Court to remain as heretofore; the General Court to be continued; a Court of Appeals to consist of persons not judges of either of the other courts to be established, and the Admiralty judges to be added to the General Court; the judges of the General Court to execute the

¹ Edmund Randolph.

² Lee and Grayson were chosen, both anti-Federal.

district law besides holding sessions as a general court for particular purposes; the district law to be amended. Such is the outline. What it will be finally is very uncertain; at present, however, if we may form conclusions from appearances the issue will be favorable. The parties, feds and anti, have in most transactions been pretty distinguishable. Your case is one among others where the spirit of party operated strongly. Being among the number of those who wish to see some amendments in the plan, I have been prepared to come forward and be of the new Congress; but it is too late in the day for me to involve myself in troublesome business, and have declared against it. The time for the election of governor is not yet fixed, but I expect it will in a few days, as Mr. Harrison's eligibility commences the 29th or 30th. It is yet very doubtful whether Harrison or B. Randolph will succeed. I think the latter gains some ground. Bland is also to be brought forward. Henry has gone home. E. Randolph is in the house.

RICHMOND, 14 December, 1788.

DEAR SIR, — My health has been so unsettled this fall I have been little in Richmond. When I last came down I wrote you a letter, but as I have not for some time heard from you I suspect it was in the mail that was robbed, or that you were absent from New York. The session of the General Assembly, it is thought, will terminate about Christmas. The first month of their being together was employed in discussing the necessary laws for organizing the new government. Soon after that business was over the District bill was brought forward, and some other bills respecting the Court of Appeals and the Chancery, to perfect the system of jurisprudence under the change intended to take place by the district plan. These bills have gone through amendments and are to be engrossed and read a third time to-morrow. There is no doubt, I think, of their passing. Two judges instead of one, as it first stood, are to ride the circuits. The Admiralty judges being added to the General Court make twelve judges, two of them are to be removed by ballot into the new Court of Appeals, and two of the judges in Chancery; four judges for the Appeals, one chancellor, and ten General Court judges, who are to ride five circuits twice a year and hold two General Court terms for special purposes; no additional salaries, except an allowance for traveling expenses to the judges riding the circuits. This last bill has not passed — I mean a short one for the additional allowance, — and will probably meet with opposition, as all money advances are sure to do from a particular class of members. If we can get this system at work, and the new Congress shall be able to organize the new government so as to give pretty general content to the people, and go on smoothly, I may still live to see the general as well as State government in a hope-

ful way, of which I own I had almost despaired. I am sorry to find two persons for whom I have real friendship in opposition as candidates for the district. M——e¹ has I fear been prevailed on to do what I think, if he succeeds, will hurt his private prospects, unless his visit to New York may further his views in another respect, and his lady, I doubt not, wishes to make a trip there. B. R.² being appointed Governor, the vacancy in the council was to have been filled yesterday, but was postponed. C. Griffin, Fountain Briggs, and Dr. Fran^s Lee, are the principal competitors. It is thought the first will succeed.

RICHMOND, 5 April, 1789.

DEAR SIR, — By Col. Davis, who has the superintendence of the business committed to Mr. Duncombe, I send you twenty one pounds, 7 shillings, which is all I can at this time spare. The remainder shall not be long delayed, as I have a little tobacco that will, I expect, soon bring me a better price than is now going, and in the hope of its doing so I have yet avoided selling it. The price for tobacco here is now only 19s and 20s; Rappahannock, 15 and 16s. I mean the general cash price for the best tobaccos of these rivers. In short the scarcity of money, and the necessity of the people to possess a portion of what is going, oblige them to part from their tobacco for any price they can get. I have been much remiss in keeping a regular statement of our money matters, and am somewhat at a loss to ascertain the exact balance, but shall, if you cannot fix it, come as near to it as I can.

In the late contest between you and Monroe, it is not improbable but you may have been told by busy people that I was opposed to your election. The truth is I avoided all interference, as I esteemed you both in the light of friends, and dissuaded Monroe from offering; but the party, as it is called, had too much influence with him; for, though he resisted for a time, they at length prevailed on him to come forward. I speak of this matter as a thing probable, as Mr. Alex. Donald told me at dinner with some gentlemen at Mr. T. M. Randolph's, heard it mentioned by one of them that he had heard I was against your election, and Mr. Donald, who had heard me a few days before speak my sentiments on the subject at another table at dinner, took occasion to state the truth. I thought then Monroe was wrong, and I now think his disappointment will prove much more beneficial to him than his election would have been.

It is a circumstance to be lamented — the want of a Congress.³ We have not had a line from one Gentleman in the representation, but from

¹ Monroe, who was running against Madison.

² Beverley Randolph.

³ A quorum was reached April 5th.

what we hear it was reported there would be a sufficient number to make a Congress about the 25th ult. I hope it has been the case, and that you will be soon doing business, and that your labours may be pleasing and prosperous. If I can furnish you with any information or assistance respecting the impost or any other [of] the affairs of this State, pray command me, and I shall cheerfully comply with your desires to the best of my power.

The bust of the Marquis¹ arrived at Baltimore from whence we have had it transported to this place, which it reached a few days past. How or where it happened I know not, but so it was, that on opening the cases wherein it was inclosed, a part of the nose was found broken off. The pieces were in the case excepting the thin part which separates the nostrils. We have engaged a man here, the best qualified of any we could procure, to repair the injury, and he thinks he can restore the pieces without any material change in the appearance of that part of the bust. Should he fail, the accident will prove a disagreeable circumstance.

10 May, 1789.

DEAR SIR, — No safe opportunity offering, the letter for Mr. Nelson has not been forwarded, and I shall now reserve it for him until the chancery term commences, which will be in a day or two. Those from Mr. Jefferson have been attended to; the one to Dr. Currie, I have delivered; that for Mr. Lewis met a ready conveyance by Mr. Bob. Nelson who was here when it came to hand on his way to Charlottesville; and the other for Mr. Eppes I shall commit to the care of Mr. Danl. Hylton, who being connected with the family, will take proper care of it. The General's² journey to N. York shews the people still retain the same respect and veneration for his person and character they heretofore entertained, and altho' he is little captivated by ceremonial distinctions, yet he could not fail of being sensibly gratified by such universal demonstrations of affection as were exhibited through his progress. Among them none I conceive could be more pleasing than his reception at Trenton Bridge. The papers inform us the Committee of the whole had gone through the system of impost. Although in the progress of the business some instances of local attachment were exhibited, and it is to be expected will always be exhibited, yet upon the whole it appears to have been conducted with temper and moderation, and such middle ground generally taken as will probably in the outset prevent clamour and submit to time and the conviction of experience such changes as shall be found for the common welfare. R. Island not being subject to the regulation, and so convenient a place to the Eastern and N. York States may interpose difficulties to the faith-

¹ Lafayette.

² Washington.

ful collection of the revenue ; and North Carolina in this quarter would do the same but for the obstacles to navigation. These interruptions will be only temporary, as I presume they cannot long remain out of the Union.

The reorganization of the judiciary which the Senate has undertaken will I apprehend be found a labour of great difficulty. One important object should be invariably pursued, which is not to incur more expence than is indispensably necessary for moving smoothly forward the great machine. Offices and emoluments, when found necessary may be easily established. When established, although found to be of little use, they are not so easily abolished. A circuit plan seems to be essential to the extent of the country for dispatch and accommodation, as well for civil as criminal prosecutions. The point is to make the judges ride such distances as may be conveniently executed without hazarding delay and disappointment in the business. Cap^t. Lindsey has, I hear, been in N. York soliciting his being continued in the office to which he was lately appointed by the Executive here. He is I think pretty well known to you, and therefore it will be unnecessary to say anything in his favor. Supposing the President not to be so well acquainted with his private character and situation as I was, I took the liberty when I heard he had moved on to New York to address a few lines to him, and to mention Mr. Lindsay's situation. I hope he received it, as I very truly wish Lindsey to be continued and think him a worthy honest man, and capable of discharging the duties of the office. The Trade here doubt the right of the State to gather duties on imported articles after the period fixed for the commencement of the new government. They give bond but protest against the power or right to demand duties. The Constitution prohibits the States levying imposts and vests the power of doing so in Congress, but has not expressly provided for the interval unless under those words which declare if such duties are laid they shall go to the general treasury. Here indeed is room for dispute between the general and particular governments, but which I think the Traders cannot avail themselves. If the point should be disputed between the two governments I am inclined to think the decision will be in favor of the State, as the particular regulations must be presumed to exist under the authority of the State until the general regulations under the laws of the new government operate their repeal. Besides it would perhaps be impolitic in the general government to agitate the question as it would generally disgust the commercial States, tho' it may not improbably be deemed an object with those not commercial, or but so in a small degree.

JOS: JONES.

FREDERICKSBURG, 28th May, 1789.

DEAR SIR, — We have heard much of the disagreement between the two Houses respecting titles and the rules to be established for their correspondence. If report speaks truth they have manifested a strong desire for titles and predominance. How comes it that the doors where the Senate sit in their legislative capacity are shut and those of the representatives open? It appears to be equally proper and necessary for the information and satisfaction of the people that their conduct and proceedings in the character I have mentioned should be as public and well known as that of the other House, and I am inclined to think, had the public ear listened to their proceedings on the above subjects of discussion, their propositions would have been more equal and their pretensions less lofty than they were. I am pleased with the plain manly stile of address, "G. W. President, &c." The present name wants no title to grace it, and should the office be filled by an unworthy person, the stile will not dignify the man, or cast a beam of light around his head.

The bill for levying imposts according to the proportions of the duties on importations is in favor of the carrying States, especially since the 10 per ct. discount has been carried. I am well satisfied it was wise to limit its duration. Laws regulating the commerce of the States where their measures and interests have been so different cannot it is to be presumed in the outset be made so as to give general satisfaction, time and experience will prove the best exposition of the propriety of the regulations, and if found useful and convenient may easily be continued, but if oppressive and injurious to some, to the benefit and advantage of other States, the repeal will perhaps be difficult. Still prejudices and interests are to be removed and reconciled by degrees. The first movement of the government should be actuated by the spirit of accommodation; that mild feature should be seen in all the acts of the Congress, and will gradually establish the government in the hearts of the people. In a former letter I mentioned Mr. Lindsay to you. I am now requested to mention to you another of our naval officers Mr. H. Muse. What is the plan of the judiciary? If you can pray give me a sketch of what is intended.

JOS : JONES.

RICHMOND, 12 June, 1789.

DEAR SIR, — We have nothing in this quarter worth mentioning, or I should more frequently make communications. I conclude you receive our papers regularly or would enclose them weekly. Although the proceedings of the House of Representatives on the impost bill produced some remarks and altercation respecting its equality and policy, yet I think the disputes appear to have somewhat more warmth respect-

ing the allowances to the V. P.¹ and the members of the two houses. As reported by the Com: These are generally thought too high at 5 dollars for the V. P. and six per day for the members of Congress. There are however some, but those are not many, who think the proposed allowances inadequate. Is it proposed to have collectors and naval officers? If a minister of Finance, does he appoint the officers in the States under him, or will they, do you think, be nominated by the president? A Gentleman who has acted in the Treasury department in this State has been for some time attending, and I suppose looks for employment. He may have his merits; he has also his *faults*.

JOS: JONES.

RICHMOND, 24 June, 1789.

DEAR SIR, — I thank you for the copy of the amendments proposed to the Constitution, which you lately enclosed to me. They are calculated to secure the personal rights of the people so far as declarations on paper can effect the purpose, leaving unimpaired the great powers of the government. They are of such a nature as to be generally acceptable, and of course more likely to obtain the assent of Congress than would any proposition tending to separate the powers or lessen them in either branch. The part that speaks of facts triable by Jury not otherwise re-examinable than may consist with the principles of the common law, means I suppose that the Court of Appeals shall not re-examine the facts but by a jury, or what is the true meaning?

I have occasionally mentioned to you the names of persons at their particular instance who are candidates for office. In doing this, I had no wish to interest you in their behalf further than suited your convenience, and particular views, and on my part to comply with a promise made that I would mention their names to you. I took occasion also to throw out a hint pointing to a particular person which was rather unfavorable. The person alluded to was I believe qualified to execute the office he filled, but so far as my observation went was disposed to make the most of the opportunities afforded him. This has been I think pretty generally the disposition of public officers and is therefore not more reprehensible in him than in others, but is perhaps more improper in the man through whose hands much public money may pass. Alexandria and George Town are very inconvenient ports of entry and if established as such will I fear open the door to great abuses. In what forwardness is the bill for the judiciary department? I have heard the Senate had undertaken the business and some sketches of the plan; but little has been said on the subject lately. At your leisure I shall thank you for the outline of the plan. Virginia ought to have

¹ John Adams.

one of her citizens in the Superior Court, but we have very few fit for it. Of our judges, Pendleton, Wythe, Blair — would either of them answer well. The first will I fear be unable to execute his present office long; the others are qualified and able if they would act. Among the lawyers I know of none but Randolph. It is of the first consequence to have your Supreme Court of able lawyers and responsible characters. We have another case before the General Court wherein the judges are disposed to pronounce the law a nullity as unconstitutional. It has been brought on in the case of the Clerks on the solicitor's motions against them for the $\frac{1}{3}$ ^d their fees demanded by the law of '86 imposing new taxes. They made up a purse of 100 9^a for the bar and were supported by the whole , Innes for the commonwealth. But Monday the decision was to have been pronounced, but was then postponed for further argument the next term, which happens during the sitting of the Assembly. I see it is directed for the present that two copies of the acts as they pass Congress shall be sent by the president to the respective executives, and one prescribing the oath has been received and no mode proposed to carry it into effect. We had some little difficulty how to conduct the business, but ultimately directed it to be printed in the Gazette, and to have a sufficient number of copies struck to furnish each of the Supreme Courts and the Co: courts with one or two that they may swear or not as they choose.

JOS: JONES.

FREDERICKSBURG, 3 July, 1789.

DEAR SIR, — Yours by Mr. Hopkins with the Journal inclosed has been received, and the journal as you desired delivered to Mr. Randolph, who requests me to return you his thanks. That of the 21st is also come to hand. I have seen a copy of the bill establishing the judiciary, and from the cursory reading I have given it, the different powers and jurisdictions of the Courts would have been more clearly seen had they been taken up in several bills, each describing the province and boundary of the court to which it particularly applied. Where there is danger of clashing jurisdictions the limits should be defined as accurately as may be, and this danger will exist where there are concurrent jurisdictions. In so extensive a country as the United States every precaution, consistent with the right of appeal, should be interposed to prevent inconvenience and legal opposition.

As far as my observations extend, the allowance to the V. P. is thought high. This may be owing to the want of information what reasons exist for a high allowance to that officer, acting as it is supposed he generally will do as president of the Senate. The current of opinion to[o] seems to run in favor of 4 instead of 6 dollars for the mem-

bers of both branches, having heard no distinction made respecting their pay, though there may be good reasons for making the Senators a higher allowance than the representatives. The Senatorial branch hath lost some degree of popularity by the effort for titles and establishing a distinction between the Houses rather degrading to the representatives; but nothing seems to be more generally exclaimed against than their keeping the door shut while acting as legislature.

The question respecting the removal of the heads of Departments by the President is no doubt a question of importance and not being expressly provided for would seem to be necessarily incident to the executive office. There is great force in the observation that those who appoint should remove, and had the Constitution kept the 3 branches of the government really separate and distinct, the difficulty would not have been great. But the Senate partaking in some degree of all the powers made the construction more necessary on the present occasion to withhold from that body a concurrence in the removal, as it tended to diminish responsibility and in great degree to render the first magistrate a cypher. I may be mistaken, but I conceive no constructive powers should be admitted that serve more closely to unite the first magistrate as the executive with the Senate than are expressly prescribed by the Constitution. If this is not guarded against uniformly in the progress of the government the Senate will become all powerful.¹

JOS : JONES.

RICHMOND, 2 November, 1789.

DEAR SIR, — My excursions during the sickly season deprived me of the pleasure of continuing our correspondence which should have been sooner resumed on my part after my return, had I not expected on the adjournment of Congress you would have left N. York. But hearing you were not returned to Virginia, I take occasion by Mr. Griffin to drop you a few lines.

The Assembly are as usual moving slowly in the public business, slower than I think they would have done but for Mr. E. Randolph's indisposition the last week which disabled him from attending the House for some days. He is now better and will be in a condition this week to prosecute a measure he has brought forward respecting our code of laws. The intention appears to me to be not only a compilation of the laws in force, but to re-enact the British statutes that are deemed in force here that apply to our situation, and repeal all others; to reduce to one act the parts of laws on the same subject; to make some changes in some of the existing acts, to incorporate into the acts such

¹ See Madison to Jefferson, 30 June, 1789, in Writings of James Madison, I. 483.

improvements as the later British statutes have made to the ancient acts in force here, where they shall be deemed useful, and to affix to each law a period for its commencement instead of the present period of its passage — these are I think the outlines of the plans or nearly so. Whether the friends to the measure will be able to carry it through the Legislature this session is doubted by many. All seem to admit the necessity of a compilation, but there are those who are averse to the great changes they conceive the plan contemplates. Of this number I think H[enr]y is one. As it is probable Ra[n]d[ol]ph will not be a member the ensuing session, he will no doubt make every effort to forward it the present. It is also in contemplation to propose the calling a convention to revise our State constitution. The vacancies expected in the Judiciary by the appointments of the general government, have brought forward many names and some applications to supply the vacancies, and to supply the vacancies in the Executive, I hear twelve or fifteen are mentioned. Yesterday in the House of Delegates it was decided in consequence of a letter from Griffin on the subject, that he had vacated his seat at the board by accepting the Indian commission, which will I suppose determine him to discontinue his seat at the board, notwithstanding his having taken it the day before. H——y and R——ph both declared they thought the law against him, but that as soon as the Indian appointment terminated, he would be eligible and might, and they doubted not would, be re-elected. I had requested Mr. Dawson in the fall when going to Philadelphia to send you £25. he was to receive for me, which he informed me he complied with. Do you not intend to [be in] Orange before the next session of Congress, and about what time do you intend being there?

JOS : JONES.¹

FREDERICKSBURG, 25th March, 1790.

DEAR SIR, — I have avoided opening my usual correspondence with you from a conviction in my own mind that any communications I could make would be uninteresting to you, and occasion a waste of your time that might be otherwise more usefully employed in prosecuting your labours in the public service; more especially as I take it for granted Mr. Fenno gives us a pretty authentic detail of the proceedings in Congress. I was happy to find from his paper you had again taken your seat in Congress, and was able to take part in the business after getting over the severe attack you experienced on the journey.

We have seen the fate of your proposition for a discrimination, and

¹ "Messrs. Joseph Jones and Spencer Roane are appointed Judges of the General Court; to fill the vacancies occasioned by the death of Mr. Carey, and the removal of Mr. Mercer to the Court of Appeals." — *Madison to Washington*, 5 December, 1789.

I suppose you have been informed of its general reception abroad — I mean in the States in the Union. I have been told that in the towns pretty generally it was disapproved, but not so generally in the country. *How* it was not liked on that, as on most other matters of a public nature, men's opinions if they think and speak at all, are too generally regulated by interest; the justice and national policy of the measure are seldom properly considered. When I read the proposition my heart approved it, as I felt the force of its equitable principles; at the same time I doubted its practicability and national policy. It is difficult to resist the impulse of equity in favor of the original holder, who has suffered by the assignment through no fault of his, when opposed to the present holder for an inconsiderable value given compared to what he is to receive. The proposition having taken a middle course and disclaiming all gain to the public by another loss, bid fair to gain friends, but it would require the powers of a second Paul, aided as he was, to convince men under the strong prepossession of self interest, or the interest of their near connections and friends, that the proposal was just or equitable, or that any propositions that do not come up to the payment of the principal with 6 p^r cent. interest are just. Hence it is that many of the present holders by purchase clamour against the Secretary's plan. Although I insinuate that interest may have had influence in the decision, I doubt not some, as I confess I should have been, were embarrassed how to decide, from an apprehension that the measure, if carried, might injure the national character. There can be no doubt I presume but the debt will be funded. I mean that funds will be provided for the payment of the interest annually. I am not a competent judge, but perhaps that is as much as should be done for the present, as I am to learn that public faith and national character can require more; and if more cannot be demanded, the establishment of a strong sinking-fund will be found to be of great public benefit.

Mr. Jefferson I expect is with you before now; pray tender him my respects. Grayson is at length gone. Who will supply his place I know not. The appointment was to have been made on *Thursday last*. Yesterday, Henry and Mason were written to; Harvie and J^{no} W[al]k[e]r had offered I hear. Had I been some years younger I should have been happy in once more being your associate in Congress. Has Dawson made you a remittance?

JOS: JONES.

FREDERICKSBURG, 12 July, 1790.

DEAR SIR, — Finding from Mr. Fenno's account of your proceedings that the session of Congress is near its termination, and taking it for granted you will visit Virginia soon after it closes, I cannot avoid commu-

nicating to you my wish you would endeavour to take Fredericksburg in your way home, and to inform me about what time you think you shall return, and whether I may expect the pleasure of seeing you. I am this fall to ride the districts of Staunton, Charlottesville, Fredericksburg and Dumfries, and having not yet made Monroe a visit since his residence in Albemarle, I intend early in next month to do myself that pleasure and should be happy in the opportunity of seeing you before my departure, or on my return.

We are taught to believe that Congress will hold their next session in Philadelphia, and that we shall at least be amused with the hope of the permanent seat on the Potomack. If these things are so, the Pennsylvanians must have seen through the policy of N. York and the Eastern States and have deserted them and joined us rather than be duped by their machinations. However it be, I confess I had lost all hopes of a decision to come southwardly at this session, and indeed had taken it for granted we were fixed for a length of time at N. Y.

The famous Mr. Gilveray,¹ with some leaders of the Creek nation, has gone on to N. York to treat with the president, and from their apparent disposition it is probable a treaty promising future quiet will be accomplished. Our harvest is nearly finished, and notwithstanding some crops in the lower part of the country have been hurt with the great rains that fell, we have in general a plentiful and good crop of wheat, and a very promising appearance for corn and tobacco. These are comfortable prospects to America under the present aspect of things in Europe.

JOS : JONES.

FREDERICKSBURG, 10 February, 1792.

DEAR SIR, — The receipt of your letter of the 29th ult. gave me a sensible pleasure as it recommences a correspondence too long intermitted between friends, in which predicament I am very certain we very sincerely hold each other, and between whom a more frequent intercourse should if practicable prevail than has lately done. For it I chiefly blame myself, and you only for availing yourself in too great a degree of the indulgence I wished to give you in behalf of correspondents of a ceremonious stamp, and with whom you could not well use the same freedom in that respect as with myself. Let it be understood therefore in future that when you can with convenience devote a few minutes to me, you will do it.

Mr. Wiatt, the present postmaster, resides in the house Smith occupied when he lived in town, and is the property you speak of in your letter, as I think he had and holds no other in the town. The buildings on the lots are old, are of wood, and were erected (except a small lum-

¹ McGillivray.

ber or ware house) by Col. Lewis of Gloucester County, the father of the late Col. F. Lewis of this place, for the late Colo. John Thornton, to keep a store at, who then with Col. F. Lewis when he first came to Fredericksburg resided there and conducted the old gentleman's business. They both are upon the north side of the main street at the upper end of the town, opposite the lots Col. F. Lewis lived on and sold to Mr. Edw^d. Custer. Lots in that situation or at the lower end of the town are not so valuable as nearer the center; at least they are not so much in demand by men in business as those more central, and I expect will not meet so ready a sale, or at so high a rate as more desirable situations. The present occupant (W—tt)¹ I know but little of. As p-t m-t-r,² I have heard few or no complaints of his conduct, which was not the case with Smith, when he was in the office. He has no lands or lots that I can hear of, and but little other property. Some reports to the prejudice of his character prevailed heretofore. He with Jno Anderson of this town were in partnership, and failed and were long confined in the bounds of the County gaol by their creditors. At length they were discharged and are both now in business here. Anderson in a small store and considered as an honest man. W—t, as pt. master and without complaints of his conduct as far as I have heard or been informed. He has a wife and several children, and upon his labours their support must in great degree depend. The lots I consider as declining in value, and unless kept in better repair than they seem to have been lately will soon be in a ruinous condition, as all the out houses now are, and the paling round one third of them destroyed. If Colo. Pickering has a power independent of Smith to authorize a sale, he will be able to judge what course to take from the circumstances communicated. Upon consideration, should he not incline to confide the business to Mr. W—tt, I suppose Mr. Minor would for the usual allowance undertake the business, and his fitness and integrity may be depended upon. Col. Monroe, and I presume yourself, know Minor. If however, you conceive there is no possibility in my mentioning another person who lives with me and conducts the business of the brewery in this town (Mr. Charles Lewis who is also well known to Monroe) I would recommend him to execute any commission of the sort Col. Pickering shall think proper to grant, and I will in that case not only aid him with my advice in conducting the business, but will engage for his punctuality and fidelity in every respect. . . .

JOS: JONES.

FRED^k 2 March, 1792.

DEAR SIR, — I have received your letter of the 21st last month and thank you for the communications it contains. Unquestionably the

¹ Wiatt.

² Postmaster.

Secretary of State would have been a preferable arrangement to the one provided for by the act in case of a vacancy in the executive office. Whatever may be said in favor of the *pro tem.* president of the Senate or Speaker of the H. R. as *officers* (and it will be difficult to satisfy an indifferent mind they could have been contemplated by the framers of the Constitution) the incompatibility of executing the legislative and executive functions by the same person, would, I should have thought, have silenced the advocates of them in preference to the other. Besides the Secretary of State (let him be who he may) from the value and duties of his office must be the best qualified and the fittest person to discharge the *pro tem.* duties of the Executive office until the constitutional mode shall supply the vacancy. In this as in a variety of other instances we discover the old spirit appearing which often stalked forth under the former government, locality and discordant interests and views.¹ Our new system, like all parchment securities cannot defend us against the attacks of artful and designing men. Words specifying powers given tho' commonly well understood, to serve particular purposes are but too often strangely twisted and tortured into meanings they were not conceived to bear, but general words give open field for those cavillers, where they may range at large and say and do what they please, under the ambiguity of language. Unfortunately our new paper security is in some parts exposed to these attacks, and will be found a flimsy defence against measures supported by a powerful party interest. I understand the P^t sanctioned the plan of defence which required 3000 additional regulars for the ensuing campaign. I have so thorough a dependence on his judgment in military arrangements and plans, that I cannot suppose the measure a bad one. What the extent of his views are I know not, but I should have thought 2000 regulars properly equipped and trained, aided by as many good militia from the frontier country armed with rifles chiefly, with a proportionate body of horsemen would have made war on the Indians with more success than raw regulars unused to the Indian warfare. These to make sudden and unexpected movements in such divisions and directions as the service might require. Last year (?) everything we meditated doing and everything we attempted as well as our force was generally known and indeed published in some of the newspapers. After all much will depend on the person to command, and I fear the consequences should the same be continued.² Although he possesses mental powers he wants bodily strength and activity for enterprise in that country, and I am told he is by no means a popular man among

¹ See Madison to Edmund Pendleton, 21 February, 1792, in Writings of James Madison, I. 548.

² St. Clair? See Madison to Henry Lee, 28 March, 1792, in Writings of James Madison, I. 551.

our people. If we beat the Indians it will be done by riflemen and horsemen, and to induce the militia to turn out, the man should at least possess their confidence as well as the qualities of a soldier. Our Financier¹ has excited among our people a rage for speculation, and by his plans has furnished them ample food to gratify their appetites and seems to pursue the same course in some late propositions. I should like his measures better if they were calculated to pay off rather than accumulate debt.

JOS : JONES.

FREDERICKSBURG, 22 March, 1792.

DEAR SIR, — I have your favor of the 13th and thank you for the communications it contains. However necessary the present armament may be for a vigorous prosecution of the war against the Indians, it will, I think, be difficult to show a good pretence for continuing the present number of regulars beyond the period of accommodation. So long as the British remain in the possession of the posts, or perhaps were they removed, some troops established in that quarter may be necessary, but their number I presume inconsiderable compared to that now, or to be soon in the field. The measures of government appear to me to be in general upon a scale of expense rather large, and many of them calculated to increase and render permanent rather than lessen and that speedily, the public burden. Upon this ground I frequently observe publications in the newspapers, and No. 1. signed Brutus just come to hand. If he goes on as he has begun, he bids fair to expose to public view at least the mischievous tendency of some of our projects. I am very much pleased to behold an opposition commenced in a serious manner against the practice of calling on the heads of Departments for a report of their opinion on matters referred to them. The Legislature wants at times information no doubt from the public officers, but that they should publicly require or ask their opinion or advice on any measure before them will not only open the door to influence in the legislative council, but exposes them to the imputation of wanting the necessary wisdom and industry to originate and mature the great objects of legislation. The sooner this practice is abolished the better in my poor opinion ; for however proper it was for the constitution to contemplate the aid or advice occasionally of the great officers of State to the Executive magistrate, it has not deemed it proper or necessary to the legislature. They should act by and from themselves, with the aid of laboured, studied reports founded on cajoling or cabaling with parties or particular members. I hope I—h—n will oust W. y. c. I wish it from my holding the one in higher estimation than the other as a public man, and from such circumstances as I have heard respecting the transaction.

¹ Alexander Hamilton.

We have a report brought here by a Mr. Crutchfield from Kentucky, that Wilkinson with his 400 who went to bury the dead proceeded to and destroyed two of the Miami towns, and have returned with about one hundred prisoners. If this account be founded in truth it will tend to confirm the opinion of many that sudden and unexpected expeditions of militia are the most effectual modes of carrying on war against the Indians.

Having not been informed Mr. Dawson has paid the £25. he received for me to remit to you from Baltimore, I presume it has not been paid and have sent inclosed a bill which you will please to receive and after reserving £40 for yourself, deliver the overplus to Col. Monroe, who is to get me some matters in Philadelphia. By my memorandums on a review of them about £22 or 3 pounds appeared to be the balance when I desired Mr. Dawson to remit the money, and notwithstanding your injunction I must insist you retain the sum I mention as a very inadequate, but some compensation for the lying out of the money. Friendship ought not to interfere in money matters. *They* should be settled according to the common rules. I have not been scrupulous in the present instance, but have lumped it by guess, being satisfied you are still a loser.

JOS : JONES.

FREDERICKSBURG, 6 April, 1792.

DEAR SIR, — I am at this time so much engaged in preparing for my western journey that I cannot satisfy you by a more accurate statement than I have proposed — your retaining forty pounds and delivering the balance to Monroe will, I am persuaded be no injury to me. It will rather fall on yourself, as I am inclined to think an accurate settlement would make the balance large. Let it suffice for the present, and on my return I will endeavour to be more particular. I enclose the order desired.

The representation bill, having passed the two houses, I have no expectation it will be stopt by the executive. That branch on a former occasion had the best ground to refuse a bill passed by the two Houses, but did not exert or manifest to my satisfaction, the independency I thought would ever mark the conduct of the present officer. Our system on paper either is, or is construed to be so amphibious, it is fish or flesh, as it happens to suit the market. I cannot rejoice at the misfortune of an individual;¹ but I have such a dislike to what you term fashionable measures that if the whole swarm of insects which the sunshine of the funding and banking systems hath produced should be dissipated by one severe blast, I should not weep over their disaster.

¹ William Duer, of New York.

Has any Legislature the right to mortgage the property of the people for ever, or to say to them such a debt which you owe you shall not discharge? This contemplated a power in one legislature superior to all others, and if admitted would establish a complete legal tyranny, and deprive posterity of the means of redress or save (?) themselves from the most distressing wiles. Pay as you go is the best policy. If that cannot be effected, the next best is to settle and pay as soon as you can, that the interest may not gradually devour the capital.

JOS : JONES.

FRED^{BO}: 24 December, 1792.

DEAR SIR, — I thank you for your letter with the paper inclosed. It appears from the accounts I have seen that Mr. A[dams] will be re-elected, and I think and have heretofore expressed that opinion to Monroe that the investigation of his opinions and their tendency was not commenced in time to make the impression on the public mind that was necessary to effect a change, nor do I think his conduct in office (if it be true what I have heard) has been treated with that fine animadversion it required, and which would have operated against him in the public opinion had it been exposed. It has been said he has manifested from the commencement of his official character an evident attachment to parade, distinctions, and rank; that he deviated in one instance at least from his declaration in the commencement of the government, that he should adhere to the sense of the representative body on a division of the Senate; that in another he divided the Senate by his vote and that latterly he has manifested in some instances a party spirit. If these reports and some others of a similar nature were well founded, the laying them open with proper inferences would have had considerable weight with the community at large, and have been construed into a settled disposition to inculcate and establish sentiments and measures among the people favourable to his opinions as promulgated in his works. *They* were known before his first appointment; *these* would have shewn an adherence to those opinions and a continuation of his efforts. Some good, though not all that was hoped for from the discussion, may result; but generally feeble attacks serve only to strengthen the party assailed.

The Secretary's¹ plan of a sinking fund I have read over but do not yet comprehend. It is intricate and so complicated it appears to one to require some time and attention to understand. At first view I think it well calculated to keep us all in the dark excepting those near the seat of government, where the finances are better understood than with us, and who thrive on speculation. The tax on horses cannot fail to serve

¹ Alexander Hamilton.

the purposes of easing the eastern and burthening the southern interest. There are few pleasure horses in the eastern and middle compared with the southern states. If the annual taxes produce a surplus, and it can every year be known, or pretty nearly, what they furnish, that surplus might every year be applied by direction of the Legislature in buying up or sinking the debt without an intricate nine or ten years operation, involved and perplexing. The more simple and intelligible our money matters are the better, and impositions and abuses sooner detected. Never let the public accounts pass unexamined. The omitting this necessary duty will in a few years make the undertaking too formidable to be encountered with willingness, and be hurried over in a slovenly manner. We hope for a confirmation of, but hesitate in yielding full assent to the letter that has been published from Belfast. The manner of it and some expressions contained in it make me doubt its authenticity. Perhaps it is badly translated. Health and happiness attend you.

JOS : JONES.

Wheat has fallen here below 6/. Is there any reason to fear it will not be up in the Spring?

FREDERICKSBURG, 7 Feby. 1793.

DEAR SIR, — I have received your letters with the papers inclosed and have delivered to Mr. Blair those intended for your brother to be forwarded by the first conveyance. The good fortune of the Frenchmen seems to be joyfully entertained by the Republicans in Boston, and the public display of their joy will I hope produce a good effect on the minds of many of the people in that quarter, and revive their attachment to and call forth their efforts to maintain those republican sentiments for which they were once distinguished, but which for some time past seems to have languished among them, from I hope a supposed state of security, rather than any real change in their principles respecting government. I am much pleased to find by some resolutions that have passed there will be a strict scrutiny into the management of the public money, and hope ere long to see our system of finance more simple and in great degree freed from its present complicated arrangement which requires the penetration and laborious attention of an acute calculator to investigate and comprehend. These matters are unavoidably intricate to a degree, but ours seem to me to be designedly involved. The more they are freed from these intricacies, the more easily will error or misconduct be discovered, and the examination of the accounts entered upon with less reluctance. There is no branch of public administration more unwillingly undertaken by those whose duty

it is to superintend it, than the investigation of intricate public accounts, and to this cause we are to ascribe in general the abuse of financial trust and the misapplication of public money. The friends of our finance system appear to be disposed to push every measure this session, wh. they conceive expedient to establish and complete the system, and will I expect succeed if the termination of session does not interfere.

Our wheat is getting up again. It is now six shillings for 60 cwt. How is it in Philadelphia? and what the supposed prospect of its being higher?

JOS : JONES.

FREDERICKSBURG, 8 Janv. 1794.

DEAR SIR, — I am much obliged to you and Colonel Monroe for your alternate attention to keeping me informed of what is passing among you, and furnishing the papers of which at present I receive none but what you and he inclose me. I must subscribe for one of them, and suppose Dunlap and Claypoole the best, but think the expence will be great for a newspaper if the postage is paid by the subscriber. As yet I do not discover that any question has been discussed and decided which gives evidence of the preponderance of party. Great and very important matters are before you already and these may be increased by new matter depending on the event of European councils, so as to extend your session to considerable length. The present moment I confess appears to me very critical with respect to ourselves, as with both France and G. Britain as also Spain we have some serious questions to settle. It is strange we have not for several weeks had any European intelligence of consequence, and yet I think the papers announce some arrivals from that quarter. Although there may be no propriety in the distance maintained between the Executive and Mr. Genet, I am pleased to hear it did not extend altogether to the Legislature; for although he may be wrong, as I think his conduct in some things has been so, had they preserved the example of the Executive, it would have had the appearance of prejudging or prejudice respecting those matters which he professed to apply to them on. You are the best judge how far it will be prudent for the legislature to support the Executive in the extent of their proceedings respecting the French victim. If he has been wrong, I would touch his faults with a gentle hand. I would not irritate the victim because he has been imprudent. E. R.¹ I find is nominated in the room of Jefferson. The executive stream will now flow smoothly along without a breath to ruffle or disturb it.

JOS : JONES.

¹ Edmund Randolph.

FREDERICKSBURG, 25 January, 1794.

DEAR SIR, — I have yours enclosing a paper of the 20th inst., which rather weakens than strengthens the report of the good fortune of the French in vanquishing and capturing the D. York and his army, and of the retaking Toulon, events, if they shall be verified, that cannot fail to make a deep impression on the British nation and increase the number of opponents to the prosecution of the war. The vote against referring to the S. T.¹ the ways and means for raising the necessary sum for the defence, affords a gleam of hope that the influence of that Department has not a majority in your House, tho' I fear it will be found from some determinations in the Senate that the greater number still consists of the old leaven. If our legislature shall not by some proper regulations counteract the British policy respecting our commerce and in an effectual manner too, we shall be contemptible in the eyes of all other nations who profess ideas of independence and national honor. These things have to me appeared so proper that I was among the number of those who in this State before general regulations could be effected was disposed to exact laws to counteract so far as we were able, the policy of their navigation act. It should have been among the first acts of the present general government, and now when so many additional reasons concur to justify the measure it is astonishing to find any advocates for continuing the old system, which is so pernicious to our prosperity and dishonorable to those who advocate and support it. Success attend your endeavours.

JOS: JONES.

FREDERICKSBURG, 8 February, 1794.

DEAR SIR, — It has turned out much as I expected. There are few men who possess sufficient public spirit to relinquish or hazard individual interest for general good. British credit still maintains its influence, and will continue to do so, especially when aided by the monied interest of this country, which will generally be in concert to prevent any measure that may eventually affect either. I fear the longer we continue under this influence the more powerful it will become and we shall be tugging at the oar for the benefit and aggrandisement of the British nation, in a state of debasement more dishonorable than when we laboured for them as colonists, to which humble station I would rather submit than under the character of free and independent tamely acquiesce in those measures their convenience and insolent pride shall from time to time dictate. It gives me pleasure to hear Genet may, tho' recalled, escape that censure and disgrace generally attending such event, altho' imprudent, I do not wish the Executive to obtain a com-

¹ Secretary of Treasury.

plete triumph. If Oswald gives a genuine account of the vigor and united efforts of the French, it is to be hoped they will yet vanquish the host of enemies that assault them, and finally establish that form of government the people approve. It would be a glorious and sweet revenge would they invade England with a strong force. The temper of the common people there seems to have in great degree changed in the course of the last year, and in many places appears ripe for mischief. They deserve from the French every evil they can bring upon them, for from them the French have experienced the most invidious and cruel treatment.

JOS : JONES.

FREDERICKSBURG, 4 March, 1794.

DEAR SIR, — It is with real pleasure I learn there is a probability of a favourable issue to the consultations in Boston to the commercial propositions. If Mr. Pinckney's communications are promulgated, the people of that city in general felt a degree of resentment to the unjust and unprecedented conduct of the British nation towards us, the knowledge that we have nothing to hope or expect from them in future but a continuation of the like treatment, cannot fail to excite in them just resentment and the adoption of such measures as are calculated to counteract the unwarrantable policy of the British nation. Their present policy and views, so far as they can be seen through, appear to me to be replete with danger to the future freedom of commerce and navigation. For what is it they may not attempt, if not accomplish, (stimulated by pride and avarice) when they shall possess all the great maritime ports of France near their coast, the French West India islands, and those places in the East Indies belonging to France, and having, as they have generally had, until the increased navy of France held them in check, so great a superiority at sea. From experience we know the British nation disposed to dictate what shall be law on the water, and to make that trade contraband and neutral property liable to seizure and condemnation which the law of nations does not justify. And why? because she has power, and having power may enforce obedience and submission to her will. Thus the strong, who are regardless of law kick and buffet the weak, and if they complain, or speak big or saucily, are kicked and cuffed again, until they tamely submit to the insolent and overbearing hand of oppression. If I am to be the drudge of another let me have the consolation to know that I have not tamely or voluntarily submitted to that slavish condition, but am reduced to it by force, not consent. The cordial reception of the new minister from France and the apparent affection manifested for his nation so contrary to what was exhibited through the course of Genet's

ministry, may be well ascribed to the readiness with which the convention gratified the desire of the Executive here, and to the different conduct and deportment of Fauchet on his arrival, and presenting his credentials to the Executive; but I hold it next to impossible that he can be duped, possessing the abilities he is said to possess, by the mere ceremony of what they call court parade. The inveteracy which at present exists between France and Britain, like oil and water, may for a moment appear to mix, but will soon separate. Our Executive, indeed, seeing how much the people of America in general are attached to the French revolution, and how loudly on many occasions, they complain of the British injury and injustice, may have seriously resolved to pursue a more friendly course to France, than it is supposed they have done for some time past, especially as Mr. Pinckney's communications will not authorize a different conduct or an adherence to British policy. Should Gallatin lose his seat, it will I think be a public misfortune, not only as I take him to be a staunch republican, but a man of respectable character and abilities.

JOS: JONES.

FREDERICKSBURG, 16 Novem. 1794.

. . . Mr. Jay's representation was not in the stile of firm demand for compensation for injuries done to our citizens, but rather supplicating the benevolence of his Britannic Majesty for relief. What his powers or instructions were I know not, but if they were such as to justify the language of his representation, they merit contempt rather than applause. Grenville's answer is a palpable evasion of justice, or rather a dishonourable denial of it. The injuries have been done under the authority of the nation, the nation therefore should redress them. Can Americans expect justice from the Courts while the acts of the King in Council are the rule of decision? After the courts have decided should there be occasion for the interference of the government. Then it may be proper to appoint Commissioners, who in concert with American Commissioners are to discuss the measures and principles on which the business is to be finally settled, very civil and satisfactory indeed. Who is to supply the Chief Justice's place in the courts in the meantime, for I think it will require some years to get through the work, or is Mr. Jay to continue our Envoy with the emoluments of that office superadded to those of Chief Justice, in which character he does nothing to intitle him to payment. I hope the Republican interest in the Legislature will be strengthened from the north, as it is in danger of losing support from the south by a late election, or at least of gaining nothing from that quarter. Wise is chosen speaker. Harvie got only 19 votes for the chair. Who is to be the senator or senators (for they say

Taylor will certainly resign) is very uncertain. There are many spoken of, Tazewell, C. Lee, Corbin, Harvie, Dawson, W. Nicholas, also yourself and Giles. Some say Henry is willing to serve as Gov? Should the fact be ascertained, he will be elected. Otherwise the contest will I expect Brooke and Wood. The first will probably succeed. . . .

JOS : JONES.

FREDERICKSBURG, 19 Novm. 1794.

DEAR SIR, — I have your favors of the 12th and 14th of the month with the papers inclosed. It is somewhat strange we have no letters, public or private, from Monroe, when so many opportunities have offered since his arrival, and in particular the corvette arrived at Baltimore with despatches for the minister of France. The Republic appears to pursue her victories in all quarters, and to bid fair to vanquish the violence of party at home, the removal from the Com: of safety of those members who appeared to be contending for controul may establish unanimity and moderation in their councils. If it shall not abate the enthusiasm of the people for liberty, and cool the ardor of the armies, the policy they profess to adopt in the interior cannot fail to produce happy effects. The head *important* in Bache's paper does not open to my view any well founded hope or prospect of a speedy or successful issue of Mr. Jay's negotiations. The Pennsylvania, or at least the Philadelphia election seems to have run in favor of the Republican party. I lament that Ames has outvoted Jarvis. Wheat here is 6/ and 6/3. The merchants say they have lately suffered much by some shipments to Baltimore in consequence of the wheat's heating in the vessel. The quality of wheat is generally bad and slovenly managed. The promptness of the militia in turning out to support the laws will I hope be a stumbling block to the advocates for a standing army. . . .

JOS : JONES.

FREDERICKSBURG, 26 Decem. 1794.

. . . The attempt to stigmatise and to draw from the two houses a censure on the [Republican] Societies has been very generally condemned, and justly; for surely nothing can be more unworthy the respective branches of the legislature than to blindly pass a censure on individuals or societies. If they had transgressed the laws in any manner, they should have been accused and legally punished. The Baltimore Society has taken the matter up with temper and firmness, and it will I think be difficult for those who have been so forward to censure to justify their conduct to the people at large. I had requested information whether it was expected Mr. Hamilton would retire, and whether

it was known what was the cause of his disgust. It is reported that Pinckney is to go to Madrid; if so, I suppose H. looks to London. I am this moment by a Gentleman just come in informed that H. told H. Lee in the western counties while they were lately there on the expedition, that he meant to retire and go to the Bar, where he could make his 2000 p^r annum; whereas since in office he had spent what he had before, about 3000*l*, except a lot and house, and that if he was now to die, his family must depend on the G. Father for support. This account differs widely from common report. I understand there are speculations made on the pay of subalterns and soldiers; that these thoughtless, extravagant people sell to some annex in to (?) and of the army, their monthly pay for a small sum advanced in the commencement of the month. It is hardly possible I believe to prevent such practices. I see meetings called, in several places, of the R. societies. The result will no doubt be a publication of something in justification of their general conduct and in reprobation of the attempt to censure them. These cannot fail to be sensibly felt by the P. who has certainly very improperly introduced the subject to the Legislature. . . .

JOS : JONES.

1795.

DEAR SIR, — On my arrival on the 28th, I received your favor of the 18th and 22^d, and last evening that of the 25th ult^o, and thank you very kindly for the communications they contain. I wish you may take the question on the app: for the British treaty as soon as you expect, as I am apprehensive the delay will prove dangerous, and greatly diminish the respectable number of that former majority, if not reverse the vote. The proceedings of the Philadelphia merchants have been circulated for similar meetings through all the towns, and great exertions are made every where to obtain petitions with numerous signers. They have been much opposed at the meetings in the towns here, and counter petitions circulated for signature. Many yield to the applications on the part of those friendly to the treaty merely from an acquiescence in the act of the Executive, rather than hazard the consequences of rejecting the treaty which they are fearful, and are taught to believe, will produce war. It is really wonderful to hear the observations of some persons, those particularly attached to the president either from having served under and acted with him in the field, or unwilling or unable to comprehend the purport and tendency of the treaty follow implicitly the decision of the Executive magistrate from a respect for his former services and established character. I am really astonished at the sentiments now maintained by the friends of the present administration, so contrary to the principles of republicanism and the rights of the people, that had I not lived and been acquainted with the sentiments

and opinions that regulated our conduct in the course of the late Revolution, I could not believe such sentiments had ever existed. I have heard that lately in the country of K. Wm. some persons so wholly devoted to the influence of a certain person talked of addressing him to persevere in his determination of carrying the treaty into effect, and that they and the people of that class would support him in it. Such declarations shew (if such were made) to what lengths some creatures of the government are disposed to go. Altho' there are those heretofore unfriendly to the treaty who in the present stage of the business are unwilling to acquiesce in its operation they would by no means censure or oppose the conduct of their representatives should that body disapprove the treaty conceiving it not only to be the right of the house to think and act for itself in a contest with another Department of the government, but that the representative body can have no object in contemplation other than the future welfare and happiness of the people. . . .

JOS : JONES.

1795.

DEAR SIR, — I have been delayed in setting out for Loudon longer than I expected. I move on to-morrow but not the route I intended, as the person I wished to see has left home and not yet returned. The cause of his departure is matter of conjecture. Mr. Patten, lately from Philadelphia, and Picket of Richmond, say it is generally believed that the President approves of what has been done by the Senate respecting the treaty, and is taking measures for further discussion of the part objected to. Mr. Patten further says he understood a vessel was ready to carry despatches when he left the city, and it was supposed she waited the arrival of the P. Patten met the P. on the road. Picket says people in general, as he passed along, appeared to be satisfied with the treaty, and I am told Patten expressed similar sentiments. These accounts do not accord with the newspaper communications. You will see Fauchet and his important papers narrowly escaped being seized and taken by a British ship of war within, it is said, our territory. More business for Randolph. There appears to be two plausible publications in favour of the treaty; the one stiled a vindication of the treaty said to be N. Webster, the other, under the signature Camillus, supposed to be Mr. Hamilton. I have seen some of the numbers which exhibit more ingenuity than others I have met with on the same side. A writer under the signature Juricola, addressed to the President seems in the number I have seen (IV) to be an answer to some positions of Camillus, but is stiled "an examination of the pending treaty with G. B." The position of Camillus that the negroes taken away were "booty" of war, which is very well answered by Juricola. I expected we should

soon see some of their generals advancing, but it is hoped we shall, according to the old saying, give them as good as they send. We have a fine field open for it, and the enemy should not be allowed to keep it. . . .

JOS : JONES.

10 February, 1795.

DEAR SIR, — Mr. Brent has lately published a small pamphlet in answer to Mr. Lee's address to the people of the District. This, as well as the one you sent me are ample expositions of Lee's conduct in Congress, and will prove satisfactory to those who will be at the trouble to read and are capable of judging of them. The bulk of the people are not so, and will not examine them. Had Mr. Brent in his letter to the people confined himself to some striking objections to his antagonist's conduct and which from their nature were most likely to reach their feelings, and have avoided so lengthy a discussion, it would have been more generally read by them and better understood, in that respect and that only Lee's will have the most influence among the people, at least I fear so, as it is comparatively short and soon read over. I am willing to suppose, tho' I lament the event, that Monroe had written his friends by the advice boat that was taken, as an apology for the tardiness of his communications of which I think we have some reason to complain. The period of the session approaching, I presume you have decided your course for the interval and where you mean to spend the summer. Wolcott, I see, succeeds Hamilton. The trading part in particular and others in general appear much pleased to hear Jay has concluded his embassy so favorably as represented by private communications. You no doubt have, or will soon have, the official information. There appears little hope of peace from the last accounts, which seem to contradict our preceding intelligence.

JOS : JONES.

FREDERICKSBURG, 21st March, 1795.

DEAR SIR, — I returned last evening from Loudoun where I had been two weeks getting the land surveyed and fixing some hands on a small part of it, or your favors of the 2^d and 4th should have been sooner noticed. My absence prevented my attending to your letter to J. Willis, but no inconvenience has resulted from it. The story you mention had been circulated, and some had asked me if I thought it true, or had received any intimation of the sort from you; and generally I answered I had no doubt of your willingness to serve as I was satisfied if you meditated retirement and had decided on it, you would have communicated your intention to me as well as others. In Fred^d and Berkeley Rutherford outvoted Morgan about 450. In Loudoun, Fairfax and Prince W^m,

Brent has ousted Lee by a large majority. It is somewhat extraordinary that Monroe's letters should be published to serve electioneering purposes which I should suppose could not be done but by the permission of the P——t or S——y of State. With respect to him it is an uncandid and ungenerous perversion of his intention and sentiments. . . .

JOS : JONES.

FREDERICKSBURG, 22 March, 1795.

. . . When are the Senate to meet to consider the treaty? I should suppose they would be called sooner than June. Is it in a state of perspiration, or when it transpires will it be free from a sweat? Has no part of it yet leaked out?

A head to be added to that in the *Aurora* of the 3^d ins^t.

In Loudoun district, Virginians bent
the ship of State to free
from dangerous steerage, took in *Brent*
and turned out pilot *Lee*.

It was said Lee was so much mortified he either was or feigned to be unwell, and went to his bed sooner than usual. Seriously, I think the change, independent of political principles, a sentiment of the men, favourable to the public welfare; for of most young men you will meet with few possess[ing] equal abilities or a better heart. The other gentleman's character was, I think, good. . . .

JOS : JONES.

FREDERICKSBURG, 29th October, 1795.

DEAR SIR, — Circumstances will not allow of my visiting Albemarle before I return from the General Court where I must be on the 9th or 10th next month. I wished much to see you before I went to Richmond to know your sentiments, whether any and what course should be taken by the Legislature respecting the present situation of our affairs. With great propriety may the Legislature instruct their Senators. I see no impropriety in their declaring their opinions generally of the late treaty, confining themselves to truly exceptionable parts. With equal propriety may they propose an amendment in the Constitution to prevent a similar inconvenience in future. To have had conversation with you on these and other matters would have given me much satisfaction, but I fear I shall not enjoy that gratification unless you shall find convenient to take this place in your way towards the last of next week, or shall postpone your setting out until my return from Richmond. I long to see what R.[andolph] will disclose to us. If he shall be believed and will let out some of the cabinet secrets in his justifica-

tion, the disclosure may be useful and explain the mystery which at present envelops the transaction. I fear he will be disgraced. I have no letter from Monroe since the 2^d July. As our Assembly will soon convene I wish them to make the business of the treaty the first important object of consideration and express with manly firmness their opinion of the exceptionable parts of it, I mean such as are clear and solid objections, that a proper tone may be given similar meetings. Have you thought of this matter or thrown anything on paper? It would be well to do it, so as that your name or concern in it be unknown, otherwise it would be better to avoid interference. The writers in opposition are too violent in their attacks on the P. Such licentious charges will injure rather than promote the Republican interest. . . .

JOS : JONES.

FREDERICKSBURG, 22^d. NOV. 1795.

DEAR SIR, — I came up in the stage from Richmond on Thursday, having the evening before travelled to the oaks to avoid getting up in the night. I left the house at two on Wednesday when they were debating a proposition calculated to approve the conduct of their Senators in opposing the treaty. The motion was made on Tuesday by Mr. Page and supported by Mr. Eggleston. Marshall objected in a long speech tending to shew the impropriety of the motion which tho' it avoided or meant to avoid a fair discussion of the treaty, indirectly involved in it a reprobation of that instrument. He hoped they would have come forward fairly to the discussion and bring the question before the house on its results. C. Lee of the same side, but on somewhat different ground, asserting they had nothing to do with it; the limits of the general and State legislatures were marked, were separate and distinct, and ought not to encroach on each other. It belonged to the constituted authorities of the general government to act; over that authority they had no controul or right of censure. He concluded by moving an amendment to the effect I have mentioned. This was seconded, but no discussion of it excepting some remarks from Egglestone, reprobating the sentiments it contained. Mayo after some observations conveying his doubts moved that the motion and amendment should be committed to a Com : of the whole House that a fair and full discussion might take place. G. Taylor seconded this motion, declaring that although he was opposed to the treaty, his mind was open to conviction and wishing not to preclude the fullest and fairest discussion of the subject he willingly concurred in the motion for commitment, and feared not the consequences of the strictest examination which, he said, would he thought rather increase than diminish the numbers in opposition. It was with the amendment committed. Before they went into

a Com : the next morning, King from Hampton arose and expressed his dislike of the motion which, he said, involved in it a censure of the conduct of the President, that thinking as he did and believing the P. incapable of acting against the true interest of his country he would never concur in a vote that implicated his conduct or character, and concluded by moving to postpone the consideration of the motion unto the first Monday in March next. This motion being seconded and some few observations made was put, and a division called for. The numbers were not known, as there was no counting. They appeared to be about 40, perhaps more, who came out in favor of postponing ; at least 150 were then in the House. This satisfied me how the matter would be finally settled. They went into a com : and C. Lee proposed an amendment to the amendment, or in other words a substitute less objectionable than the first amendment proposed varying the idea in this, that altho' the people of right might deliver their opinions to their representatives, it was on that occasion inexpedient and improper. Egglestone made some remarks pointed and proper. Lee went into a long and elaborate support of the amendment. Marshall was on that ground silent, as well as on the motion for postponement, and voted against the postponement — the reason, I suppose, his having challenged and proposed a full discussion. Taylor then went into a full investigation of the treaty, and commenced with stating objections to its constitutionality, upon which point I left him in debate, time requiring my leaving town. They continued the discussion until Friday night, before the question was taken on the original motion when there were, as Dawson wrote me a few lines by the mail, 100 for [*torn*] motion, Col. Jno. Taliaferro came to town [*torn*] who saw in the stage Mr. F. Brooke yesterday who told him the question was decided the evening before in manner I have mentioned. Dawson wrote only three lines to inform me the issue, and said he would be more particular the next mail. Marshall, it seems, was very able with respect to the constitutionality of the treaty, less on other points. He took up on Wednesday and Thursday more than three hours. McCray answered Marshall, and I am told very well. I shall wait for Dawson's letter on Tuesday. . . .

JOS : JONES.

FREDERICKSBURG, 21st Decem. 1795.

. . . I was apprehensive from the vote of the House changing their Speaker, the majority of that body would pursue a different course respecting the treaty than that which your letter intimates. Nothing will more conduce to impress the public mind with an opinion of the justice and propriety of the conduct of the Legislature on that important ques-

tion than a cool and dispassionate investigation of the subject. I find it has been a point contended for among the friends of administration to obtain a declaration from our public bodies of an undiminished confidence in the P. Such a declaration may convey the sentiments of those who advocate it, but will not those of the people at large; for although there are many who would not concur in any act to censure the P's conduct, they are equally averse to a direct act of approbation. Fair and temperate discussion will establish truth and blame, if there shall be good ground for it, will follow of course, altho' no direct censure points it out. . . .

JOS : JONES.

[1796 or 1797].

DEAR SIR, — Being longer detained in Albemarle than I expected, I did not arrive here until the last evening, when I received your letters of the 2^d and 5th and of the 13th. I will attend to what you recommend respecting the republication of observations under the signature Citizen. Two numbers have only appeared that have come to my knowledge, and these in papers of the first week of the month. The lapse of time since the publication of the 2^d No. induces a suspicion the writer has abandoned his design but if pursued, such long intervals between the periods of their appearance will lessen their effect. . . .

JOS. JONES.

[1796.]

DEAR SIR, — Yours of the 11th by this day's mail I have received, with the papers inclosed. I find nothing new from Europe. Mifflin has very fully stated to the Legislature the ground of his conduct respecting the choice of electors, and will no doubt meet the public approbation. It is to be hoped an investigation of the business will take place if there shall be reason to think any unfairness has been practised that the truth may come out and the public censure fall on those who are to blame if such there are. As yet there appears to be great uncertainty who will be the President. The probability is that if Vermont has no choice that J. will have the majority necessary to his appointment. If the votes of that State shall be admitted I fear his antagonist will prevail. I still hope it will devolve on the Representatives, where we are taught to believe a suff. number of the States will be in his favor. The P. in his speech seems to think the honor of the nation wounded by Adet's free censures. There appears to be some gaul in the composition, but it is thought by the friends of that Republic to contain plain truths however roughly exhibited. What with the gloomy prospect presented by the present posture of French affairs as it respects America; the diminution of the British (?) markets in

Europe and their pouring in upon us their manufactures, together with the real scarcity of money, and the hazard of our exports finding a convenient market, it will be fortunate if great failures do not happen among us. Already it is said some have happened in Baltimore, and similar evils expected in every quarter of the union. The great surplus of goods beyond the necessary demand must lie in the hands of the merchants. They must pay or abide the consequence and poor America become the D for those manufactures Britain could not vend elsewhere. . . .

JOS : JONES.

FREDERICKSBURG, 4th February, 1796.

. . . We are looking towards your House for something about the treaty, but fear you are not strong enough to make head against it. If the disagreeable pill must be swallowed we must digest and work it off as well as we can, and with as little injury to the system as may be ; but hope something may be done to prevent the administering such unwholesome doses in future. Randolph's pamphlets except a few scattering ones have not yet reached us. I have had an opportunity of a cursory perusal of one, and think it cannot fail to make an impression. . . .

JOS : JONES.

FREDERICKSBURG, 17 February, 1796.

DEAR SIR, — I was not only astonished but concerned to see in what manner the resolutions of the Virginia Assembly was treated by the Mass. Legislature, as well as some others, but by others with more decency. These are strange and unaccountable things to me, but I suppose are well warranted in the opinion of others better informed. I had supposed there was nothing unconstitutional in a state legislature speaking its opinion of any public measure through the proper organ to the general government, or that there was any improper interference in proposing to the States objects of amendment for their consideration. Time no doubt has produced some change respecting the operation of the treaty in the minds of some, but cannot alter the instrument itself, which must sink or swim by its own weight. I fear your attempts to do what is right will be frustrated as appearances are all so unfavourable and the resentment against Virginia so manifest. Even the answer of the P. on presenting the flag has had its weight with many who doubted his attachment to France. The warmth of sentiment expressed on that occasion was well calculated to make impressions with those who do not examine conduct and facts. We should examine

what is done, not what is said. Genet's offence with some men was impudence. The best man that ever lived possessing the influence of the P., is a dangerous man; the more so if guided in any of his measures by others who may not be so virtuous. God grant we may never have cause to say "curse on his virtues; they have undone his country." Let me hear how Marshall and Campbell are reputed as able counsel, contracted with the senatorial (?) champions. . . .

JOS : JONES.

FREDERICKSBURG, 25 March, 1796.

DEAR SIR, — . . . Mr. Livingston's motion (tho' nothing more than usual and common and in the communication of the treaty to the House to be expected) has drawn into discussion a very important question : whether the treaty making power is paramount [to] the Legislature, for to that it goes; and, if that is our situation, our representatives had better return home and take care of their farms, for they can be of little or no use to their constituents in Congress. I always feared the consequences of general expressions and undefined powers in the Executive and judiciary branches, which might by construction be made the cloak to cover bad and dangerous designs, knowing too that even the best men in office are but too apt to hold fast all they are generally allowed to have but to grapple as much more as they can cleverly get into their clutches. The Governors or powers appointed to execute the government too generally think the government and people have separate interests, and instead of making efforts to preserve the rights of the people are almost always aiming at encroachments and if the people oppose or complain of these attempts, the officers of government with insolence bawl out they want to break down or destroy the government, to pull down the house they have taken the pains and trouble to erect. They might as well say the people are all run mad and calling for knives to cut their own throats. Let governors stretch neither laws or constitution, and the people will honor and caress them. As far as I have seen the debates, the gentlemen who have supported the motion and opposed the unlimited power of the executive in making treaties, have greatly the advantage of the argument and cannot, I think, fail to obtain a large majority. Still I do not conclude as a necessary consequence that an equal majority will appear in opposition to carrying the treaty into effect, altho' much may be inferred from the decision of Livingston's motion.

JOS : JONES.

FREDERICKSBURG, 26th April, 1796.

DEAR SIR, — Having a few days to spare between the courts of K. and Q. and Williamsburg, I have (by way of a short cut) taken Fredericksburg in the way. On my arrival here, I received your letters of the 25th and 30th March, with the papers inclosed. I was satisfied the President meant to comply with the request of the House by his answer to the Committee. I had supposed until then he would not refuse the papers. Altho' when he had taken his ground, he is firm in maintaining it, yet I conceived he would be very unwilling to hazard a breach with the House of Representatives. I fear he receives bad council, or he imagined his popularity too firmly established to be shaken even in a contest with the representatives on constitutional grounds. He should not have remarked on the discussion in the House, or declared his opinion what was the meaning of the Convention. With equal propriety might you and every other member of the Convention do the same, and be governed in your conduct by the opinion you then espoused, and not by the language of the instrument on a fair construction of its meaning. To avoid this misconduct, legislative and judiciary have been separated. I find the plan of petitioning by the merchants is adopted and in progress through the States. I they shall in general breathe the sentiments of that of Philadelphia, their effort will rather inflame than moderate the passions. I am told there has been a meeting here. You have a difficult and embarrassing business to go through, which I hope will be prosecuted with temper and proper firmness for the credit of our country as well as the permanent advantage of the people. . . .

JOS : JONES.

FREDERICKSBURG, 23 November, 1796.

DEAR SIR, — In expectation this will find you in Philadelphia where the best information can be obtained respecting the returns of electors for the several States, and from whence a well-grounded conclusion may be formed, I wish to hear what hopes you have of the ultimate decision. From the last account we have of the Pennsylvania elections, (Fayette, Green, and Westmoreland returns not in) I think the republican ticket will be carried in that State, and upon the success of which, I have supposed, would in great measure depend Mr. J's. election. Have you heard from Monroe, or is there any account whether he may be expected in shortly or when he may be expected. A very fulsome resolution for an address to the President was introduced into the House of Delegates while I was in town, which produced a warm debate and issued finally in a commitment. The parties at length compromised and reported a resolution the basis of an address sufficiently complimentary, but much less so than the first proposition. You will see Brooke is appointed

attorney general, and you were proposed by Taylor to succeed him, if willing to serve; for which purpose he informed him he had written to you. asked me if I thought from any thing I had heard you say you were determined to retire; my answer was that I had heard you speak of it, but not conclusively, but that I presumed if you did retire, it w'd be inconvenient to accept the office of Governor. In short if J——n should be elected, you must aid him with your efforts, and so I think must every other good and able Republican for the purpose of bringing into practice republican principles and measures; for be assured the other class will strain every nerve to embarrass and perplex his administration. . . .

Powel and Eyre of the Eastern shore are the doubtful votes here. When I left Richmond there was some doubt of Eyre's election.

JOS : JONES.

FREDERICKSBURG, 9 Decem. 1796.

DEAR SIR, — I have yours of the first of this month; was absent when it arrived, or should have answered it the last part. That of the 5th I have just received. From both I collect it is very uncertain who will be the President. I have long apprehended the consequences which now appear probable, that in the struggle between the principal candidates and the friends of each voting for Pinckney or generally, so as V. P. he would get a greater number of votes than either of the others. For some time too it has been intimated that the object of H. and J. was to get him elected. Under this impression it was intended our electors when I left Richmond should be well-informed of the hazard of voting for P. and be induced to turn their attention to some other person. Although I have the paper mentioning that 20 had voted for Jefferson and 1 for Adams, I am without information how the votes were for a V. P. I am told they were more divided, but no doubt you will by this, if not the last mail, be truly informed from Richmond. Should Pinckney get in, it is to be hoped he will pursue such courses as a fair construction of the Constitution will justify, and stamp his administration with the character of Republican. But my fear has been, and I confess still is, that this gentleman will be disposed to take council from those men who have had too much influence hitherto in our councils, and will practice every artifice and stratagem to continue it. Mr. P. may possess talents sufficient to enable him to think for himself, and firmness to act accordingly. From J. & A. this might be expected, and it is of great importance that we should have a president at this crisis well acquainted with the law of nations and particular states, with European politics, and the politicks and true policy [of] our own country, to enable him to act for himself and for ourselves independent and free

from the danger of being mislead by artful and designing men. I also fear Mr. P. so lately residing at the Court L—d—n, will have impressions too favorable to that nation. Brooke has taken his station I expect in the law. . . . The merchant class are alarmed with Mr. Adet's complaints. Others think they can't be blamed to act by us as G. B. does during the war.

JOS : JONES.

. . . I should suppose the French would be reconciled if the new administration should by a commercial treaty place France on the same footing as we have G. B. This I should be disposed to do for the same period of the British treaty, and thereafter with each such terms as time and experience shall point out to be most beneficial. At present from the newspaper accounts the French in the West Indies are much more reprehensible in their conduct than the British, so that between the two powers our trade is on a hopeful, or rather a hopeless condition. How would the traders relish an embargo on all vessels to French or British ports, clearing only those for neutral ports. They might indeed under such a regulation as I suppose many would do, clear out for one port and go to another, notwithstanding the danger of such practice. It would seem there is more ground to hope for peace by the last accounts than before. . . .

JOS : JONES.

CHARLOTTESVILLE, 8 December, 1797 [1796].

DEAR SIR,—I received the other day yours of the 16th ult. inclosing a part of Paine's letter to the President (from 41 to 64), the appendix and the first number of Mr. Pelham, which as a specimen of the writer's design, and liberality of sentiment, does not exhibit him in a very favourable point of view. This man is not for a total but partial disorganization, and as he belongs to or speaks from Connecticut will not I expect be stigmatized with the common epithet of disorganizer, but had he blown the trumpet in the South, he would certainly have been placed in that predicament. He does not degrade us to the servile office of toad eaters, but exalts us to the honourable station of cannibals, or at least insinuates we have a strong propensity to man's flesh, and will I expect be found the best reason he can assign for a separation from the southern people. I wish to see the other part of the pamphlet of Paine's addressed to the P : and fear as the last part has come first, the other has miscarried. If Mr. Jefferson gets it, as he tells me he expects to do, I may while here get the perusal. I see by the papers the probability of A's being the P : but yet nothing satisfactory who will be the V. P. I shall continue here some weeks. . . .

JOS : JONES.

CHARLOTTESVILLE, 29th January, 1797.

DEAR SIR, — After my return from Loudoun I came to this place, where I last post received your several favours to the 13th. I shall continue here until the 10th or 12th next month, when I shall return to Fredericksburg. It seems to be now well ascertained that A. will be the P. and J. Vice P. I have for a length of time considered Mr. A. as a friend to the British nation and government. Whether he still holds his prejudices for that monarchy I know not, but if they hang loosely about him he may be induced to through them off and assume the republican garb, the true constitutional dress, and the manufacture of his native soil. He has a fair opportunity by a new and sound policy to establish his popularity and do much good. If he shall determine and persevere in his determination to be of no party, neither French or English, southern or eastern, but to preserve an independent character and conduct seeking to do good and avoiding to do evil, according to his best , adhering to the Constitution as it respects the rights of the people and the different branches of the government upon a fair and liberal construction of its meaning. Then may he be happy in his administration and contribute to make the people so. Foreign interferences should be boldly withstood and rejected as an officious meddling in our affairs, for to these I cannot help ascribing principally the height to which the violence of party has been carried. Had I the power to dictate, I would recall our plenipos and receive none from foreign powers (I mean as stationary), conducting our commercial intercourse under the superintendence of Consuls placed in such stations as should be found necessary; entering into no new commercial treaties or altering or continuing those subsisting unless before their final ratification, they be laid before the legislature and approved by them, who best know and must be supposed to know the true interest of the various parts of the Union than any individual or a few individuals not often the most enlightened and frequently guided by the influence of party and local consideration. With foreign nations the commercial intercourse should be maintained upon principles liberal and reciprocal. Not only the chief magistrate but the legislature and the heads of departments should pursue this line of conduct, then I think we should find the clashing among the States more easily reconciled, and the general good or interest of the majority adopted and pursued with less complaining and more general acquiescence. If Mr. A. is not riveted in his attachment to British measures he will abandon them or at least his prejudices, and hold a course between the two nations which justice and our true policy dictate. In forming his opinions I am in hopes he will listen to the sentiments of J. with whom, I am told, he is on good terms, and between whom a good understanding should be cultivated, and if possible the politicks of the States to which they respectively belong more

assimilated and harmonized. Let us break down too if practicable the servility of addresses and levees. I cannot read with temper the debasing sentiments uttered by many in forming the addresses from the House, nor reflect without some degree of emotion on the degrading method of the Legislature ambling through the streets to the P's house to deliver them. Abolish every ceremony that is not necessary for information and the despatch of public business, and which are calculated to exalt an individual so much above the level of his fellow citizens. However I may err in these notions, I do not swerve from the truth when I assure that I am &c.

JOS: JONES.

CHARLOTTESVILLE, 5th February, 1797.

DEAR SIR, — By the last mail from this place I acknowledged the receipt of your favors to the 16th last month, among them the first part of T. P's¹ letter to the President, which had been somewhere delayed, as I received the other part sometime before. This week's mail altho' it arrived on Friday evening (the usual time) has yet furnished neither letters or papers as the young man who keeps the P. office went from town early the next morning, and does not return until this evening, and in the morning the mail goes off again. Towards the last of the week, I shall move towards Fredericksburg, where your future letters will find me. I have not seen Mr. Jefferson these two weeks, but shall I expect to day, as I intend there to dinner. I understand he speaks of setting out for Philadelphia in 8 or 10 days. His trip will I hope contribute to a favourable opening of the new administration, as I am told he and A. are on very good terms. Dawson writes me that it is said A. has in great measure changed the opinions ascribed to him in his book in defence of the American Constitutions, and that many assert he will shew himself an independent Republican. I wish this may turn out to be the case, for if he still retains the opinions he held when he wrote that book, or when the ceremonial of the present government was established, I fear there will be little change in the measures of the Executive. I sent J[efferson] Paine's letter. . . .

JOS: JONES.

FREDERICKSBURG, 27 March, 1797.

DEAR SIR, — From good information the poll between Dawson and Posey was as follows: *Spots*, Dawson, 204, Posey, 68; *Orange*, Dawson, 156, Posey, 46; *Louisa*, Dawson, 195, Posey, 161; *Madison*, I do not recollect the numbers, but about 30 majority for Dawson.

¹ Thomas Paine.

Heath and Taylor having declined a poll, Dr. Jones and Ball were the only candidates. I have heard only from K. George, where Jones had near five for one. The presumption is he will be elected. Nicholas & Brent I believe are not opposed. In the room of Moore it is probable David Hoomes will be elected against Bowyer and Steele. From all accounts Rutherford will be hard pushed if not pushed out. I am told it will depend on the Quakers in that quarter. . . .

JOS : JONES.

LOUDOUN, 13 February, 1802.

DEAR SIR, — I have returned to Loudoun from Richmond only a few days past, where I was during the latter part of the session, and while the back members held two meetings to consult on the propriety of attempting a division of the State, I understood there were each evening between thirty and forty convened at the capitol — Brackenridge in the chair. Some of them were averse to and opposed the measure. The characters who avowed and supported the proposition were chiefly of the Federal party. Wilson, Shaffy, and the chairman were of the leaders. A third meeting was to be holden at the same place the evening after I left town, but which I am told like the others terminated without coming to any resolution. These men may have their personal views, but I suspect the plan is the project of more designing men of the party, to lessen the importance and influence of this State in the Union. It was whispered, but whether with sufficient ground for the conjecture I know not, that while P. Washington¹ was in town a small caucus had been holden at the house of a distinguished character in the town. This was mentioned to me the day after I left town by a gentleman who left it that morning. I heard no such report while I was there.² The bill to repeal the judiciary law of the last session of Congress is I find through the Senate, and will no doubt pass the other branches of the legislature. It will be seen then whether this prop of the constitution as it has been called, being removed, the whole must fall to ruin. . . .

JOS : JONES.

¹ Bushrod Washington (?).

² The following extract from an unpublished letter from Monroe to Jefferson, dated Richmond, February 12, 1802, refers to this political incident: —

“In a late letter to Mr. Madison I gave the details of some federal intrigues here during the session of our assembly. He will I doubt not communicate these to you. Every day’s experience proves more clearly the difficulty of conciliating the federal party. It is wonderful to see how irreconcilable many of its members are. Although none of these people had cause of complaint against me, yet it was manifest that many of them would have hewn me to pieces had they had it in their power.”

Mr. JAMES F. HUNNEWELL presented a rare view of Boston, and said : —

In 1833 W. J. Bennett, an English artist in watercolors, painted, and engraved on copper, two views of Boston. Although the lettering states that they were published in New York, very few impressions were made, and these were colored, probably by the artist's hand.

Both plates disappeared, one permanently ; the other has recently been found and bought by the Club of Odd Volumes. It measures $27\frac{1}{4}$ by $21\frac{1}{4}$ inches, and bears a finely executed View of Boston from the Navy Yard. One impression has been made for each member of the Club, and there were two or three trial proofs that it was decided the President could place at his discretion. One of them he, in the name of the Club, gives to the Massachusetts Historical Society.

The artist visited many countries, among them Egypt. He was a member of the Royal Society, and his work was favorably mentioned. About 1816 he came to New York. In this country he married and settled. Painting views, he travelled South, West, and East, and made the present fine view of the North End of Boston as it was seventy years ago. In size and fineness of work, probably no other view, to the date, surpassed this one, and it is likely to remain a valuable Boston rarity.

In presenting to the Society a portrait of the late Dr. J. G. Palfrey, Mr. CHARLES E. NORTON, after referring to his work as an historian, spoke briefly of his unusual social gifts and accomplishments.

Mr. Norton also gave a copy of a pamphlet issued by the "New York Tribune" in 1881, containing letters descriptive of a tour through the Southern States. The writer of the letters, whose name is not given in the pamphlet, was Mr. J. B. Harrison, author of a volume published anonymously in 1880, entitled "Certain Dangerous Tendencies in American Life and other Papers." His Letters from the South are those of an intelligent, well-trained, and sympathetic observer, and possess a permanent historic value. Mr. Norton gave some account of the remarkable life and character of Mr. Harrison, who is now living in Franklin Falls, New Hampshire.

Mr. WILLIAM S. APPLETON read the following paper: —

Heraldry in America.

Genealogy may, I suppose, be considered a branch of history, though there are perhaps many, including our own President, who look on it as nothing better than a parasite. I prefer, however, to call it a real sound branch. Heraldry, then, we may estimate as a twig, especially considering the small number of persons in any country whom it concerns in any way. Two papers have lately appeared in print on this subject, which I wish to put through a short process of comment and criticism. One by our associate the Rev. Dr. Slafter, called by him "Remarks on Coat Armor," was read at our February meeting of this year. The other, entitled "Who may bear a coat-of-arms in America," was printed in the "Spirit of '76" for October, 1900, over the signature "Democrat." Each of them is partly right and partly wrong, as I shall very probably be myself in what I am about to say.

Dr. Slafter's interesting paper wholly ignores the origin and beginnings of Heraldry, as I take them to be generally understood. In every country of Europe the great Barons, in order to make their persons and presence known to their retainers, adopted designs or symbols, which were painted on their shields or brodered on their surcoats, and fastened to their helmets, becoming the coat and the crest. The most important use of these was of course in time of war, and especially in the Crusades, where warriors of many nations fought side by side. The esquires and gentlemen followed the example of their superiors, and near the beginning of the thirteenth century the system had reached a point of high but irregular development. The various sovereigns at last felt obliged to interfere, to prevent the use of similar coats by several persons, and the heraldic anarchy which was threatened. In England the founding of the College of Arms or Heralds was the result of such royal interference. But the "granting of coat armor," which in Dr. Slafter's paper would seem to be the beginning, was in fact the final step. The arms, which antedate all grants, are many, and of course most highly esteemed. Families who bear such, though of course recognizing the authority of the Sovereign to commission the College of Arms or Heralds to make the periodical Visitations of inquiry and

record, sometimes complied most unwillingly with the demand to show proof of that which they considered to need no proof, their right to use the arms which an ancestor had perhaps borne in Palestine under Richard the Lion-Heart, and another in France under Edward the Black Prince.

Dr. Slafter makes one statement the meaning of which is obscure, but to which, whatever its meaning may be, I cannot possibly agree. He says: "There is, however, in New England a very small number of persons who may claim the right to use coat armor by prescription; in other words, by immemorial use. To validate this claim, it is necessary to prove that the claimant's direct ancestors used the arms in question far back in the past, probably before the Herald's [*sic*] College was established in 1483. This evidence must pass under the scrutiny of the Herald's College, and if to them it is satisfactory, the claim is by them ratified and confirmed. But without this confirmation such arms are regarded as invalid and worthless." There is, it seems to me, an evident and complete inconsistency between the first and last of these sentences. The words "immemorial use" must of course refer to England, and can only apply to such families in this country as can prove their connection with their ancestors in the old country. The completeness of this proof is the important matter. I doubt if the officials of the College of Arms would undertake to decide the other question which Dr. Slafter says must be submitted to them. Moreover, there can hardly be a claim of "immemorial use" which has not long ago been decided one way or the other.

The article in the "Spirit of '76" is, as I have said, anonymous, which has of course prevented any reply to it on the part of those whom it most directly concerns, though its source, if not its actual authorship, is sufficiently certain. I shall do nothing more now than try to make a little gentle fun of it. It consists principally of a violent attack on the New England Historic-Genealogical Society in general, on the Committee on Heraldry of that Society in particular, and on myself in most especial particular. The author answers the question, "Who may bear a coat-of-arms in America?" by saying, "Every one"; and in that I agree with him, only I would add the qualifying words, "who is not restrained by a sense of the absurdity of so doing." But in this country,

where there is no authority to regulate their use, arms are simply a form of personal ornament, and every one may use whatever coat he pleases, the handsomer the better. Mr. Brown may decorate his silver with the shield of the Plantagenets, and Herr Müller may cover his carriage-panels with all the quarterings of the Hohenzollerns. There is, however, another question, "Who may assert an inherited right to bear a coat-of-arms in America, as for instance by placing them in a printed Family History?" and the answer to this is, "Very few indeed."

In 1891 I put in print a little pamphlet of ten pages, entitled "Positive Pedigrees and Authorized Arms of New England." I thought it a small but not uninteresting and far from worthless contribution to the History of New England, or at least to the twig of that history known as Heraldry; and in the short introduction I used what seemed to me very modest and carefully restrained words. It was certainly not my fault that I was able to put my own paternal ancestor in the short list of twenty-nine families to which I have since added three. But the anonymous Democrat lashes himself to a fury in writing of this list of names. "The N. E. H. G. Society permitted a man to gratify his vanity"; "This list is a libel upon the heraldry of America," etc., etc.

The heraldry of America forsooth! That is indeed something new. Dr. Slafter has told us somewhat about its possibilities. There is a note to his paper referring to the arms of Hall of New England, of which "several have been found," one among them being chosen "as a representative illustration." And at the reunion of the Billings family, "A short report on the various coats-of-arms — there being four authentic ones — was made." We may safely assume that four authentic specimens of the work of John Coles were found, painted to suit the taste of different members of the Billings family. A gentleman of Boston, whose wife has millions, uses a crest on his harness and an entirely different one on his carriage. Another, whom we will call Donelson, a name to which no arms are attributed in Burke's General Armory, makes free use of the arms belonging to the family of Donaldson. The authors of some recently printed Genealogies, being unwilling to take any one coat as a "representative illustration," insert in their volumes several coats belonging to differ-

ent families of the name as found in the works of Burke or Berry.

The heraldry of America is a terribly inviting, an irresistibly tempting subject for writers, especially those who know nothing about it. Perhaps the most important work on the subject is a volume published in 1886 entitled "America Heraldica." Besides countless woodcuts it contains seventeen illustrative plates, on each of which are sixteen shields in colors. It would, I presume, be a liberal, a generous estimate to say that perhaps four out of each sixteen coats can be shown to be rightly borne as of inheritance by the families whose names are connected with them. I advise all who enjoy a cheerful smile to read Whitmore's review of this book in the "Nation" for 5 May, 1887. It is hardly safe to say that any particular article is the latest contribution to the subject, but probably "The Boston Sunday Journal" of May 5 contains what is at present the newest printed word, and very amusing it is. Under the heading "Bostonians who are of Royal Descent" it shows large cuts of the supposed arms of our President and his wife, our junior Vice-President and his wife, and two other persons, four of the six cuts having the added splendor of the badge of a Baronet. I hesitate to say that the writer of the article intended a joke, but it is a fact that not one of the six engraved shields which accompany the text shows the arms which it ought to contain. The arms should be those of Adams, Ogden, Coolidge, Appleton, Paine, and Bush; they are really those of MacAdam, Stuart, Fleming, Sullivan, De Vere, and Leonard. And this is a specimen of the heraldry of America. Shades of Aristophanes, Juvenal, Thackeray, and George William Curtis! Would that one of you were here to throw on the subject the ridicule which it deserves!

Mr. ABNER C. GOODELL read the following observations, suggested by the letters of Mr. Webster to Judge Story, printed in the Proceedings for January.

The interesting communication by our Treasurer at our meeting in January last of correspondence between Judge Story and Daniel Webster not only discloses some additional evidence, too long concealed, of the indebtedness of the great advocate and statesman to his studious contemporary at Salem

for the legal learning with which Webster has been credited, but adds interest to the picture of the cordial relations between the great orator and the close student who had wept to some purpose over the quaint and dry paragraphs of Littleton and the compressed obscurities of Coke. Story's early discipline of intense and unremitting application enabled him to surmount every difficulty in the whole range of legal learning; so that, in his prime, the abstruse discussions in the latest law report were as readily comprehended by him as the plot of the most recent novel, — a branch of literature which he did not neglect. Webster did well to appreciate the erudition of this friend, not much his senior, and better still to cultivate a friendship by which he could readily avail himself of it.

Had the occasion permitted, when those letters were read here, I should have called attention to a brief sentence in that correspondence which illustrates the faculty Webster possessed of absorbing or appropriating ideas, and converting or perverting them from the intention of the author. I refer to the passage in his letter to Story of September 5, 1829: "While the sun shines we need no little twinklers in the skies." The thought intended to be expressed is apparently borrowed from Sir Henry Wotton's lines on his mistress, the Queen of Bohemia: —

"You meaner beauties of the night,
That poorly satisfy our eyes
More by your number than your light;
You common people of the skies, —
What are you when the moon shall rise?"

Webster had in mind this verse, evidently, at Baltimore, when, after the nomination of his rival, General Scott, the disappointed statesman, standing in his bedgown on the balcony of his hotel, affected indifference to that mortal blow to his ambition by assuring the listening multitude below that when the morning sun mounted the skies it would rise "not more joyous and jocund" than he, and then thus apostrophized the stars: —

"Ye stars that glitter in the skies,
And gaily dance before my eyes,
What are ye when the sun shall rise?"

One would suppose that a scholar who had so long revelled in the verses of the Latin poets would have noticed the inapt-

ness of the comparison of the stars as competitors with a luminary so resplendent as to obscure them entirely, when he could recall the words of Horace, "*Inter ignes Luna minores*," etc.,¹ in support of Wotton's idea of the rising moon, whose luminous face would afford a contrast to the inferior and scattered light of the stars without eclipsing them altogether. The measure of Webster's words, the rhyme, and the form of the apostrophe conclusively indicate the source of the leading idea, impressed upon his mind probably in his early reading. His habit of quoting liberally, or misquoting, would be dangerous to one who could not say as authoritatively as he, "If I cannot find a precedent I can make one."

It is, perhaps, not forgotten at Cambridge how much trouble he gave the scholars there by his "*captatores verborum*," which was so keenly criticised by Horace Mann and so skilfully defended by Professor Felton. Yet it can hardly be said, even in that instance, that he was clearly convicted of a solecism.

MR. THORNTON K. LOTHROP presented a memoir of the late Augustus Lowell for publication in the Proceedings.

A new volume of the Proceedings — 2d series, Vol. XIV. — and a new serial, containing the record of the meetings for March, April, and May, were ready for distribution at this meeting.

¹ *Carminum*, Lib. I., Ode XII. 45, often less figuratively rendered, "*Stellas inter Luna minores*."

Webster was not the first thus to substitute the sun for the moon; for the same mistake appears in at least four of the earlier posthumous editions of Wotton's verse. And, abstractly, the comparison was not without classical authority; for the poet Lucretius, in his tribute to Epicurus, likened him to the sun, whose rising extinguished the stars: —

"Qui genus humanum ingenio superavit, & omnes
Præstinxit stellas exortus uti ætherius Sol."

De Rerum Natura, Lib. III., 1055.



Augustus Lowell

MEMOIR

OF

AUGUSTUS LOWELL.

BY THORNTON K. LOTHROP.

THE pioneer of the Lowell family in Massachusetts was Percival Lowell, who came over from Bristol in 1639 and settled in Newbury. His descendants for the next two generations seem not to have been conspicuous in public affairs in the colony; but the representative of the family in the third generation, the Rev. John Lowell, who was born in 1704, became pastor of the third church in Newbury in 1726 and died there in 1767, maintained without difficulty during the forty years of his clerical life the influence and position which history and tradition have assigned to the clergy of New England in that century. With him began the line of Lowells who for the last one hundred and fifty years have illustrated the intelligence, the enterprise, and public spirit of the people of Massachusetts, and contributed no little to her credit in various ways, both at home and abroad.

The only son of the Reverend John, who bore his father's name, was bred to the bar and was eminent in his profession, holding at different times three judicial offices, those of Judge of the United States Court of Appeals, of the District Court of the United States for Massachusetts, and of Chief Justice in the First Circuit of the Court created by Congress in the last year of John Adams's term as President, and abolished in the following year by Jefferson's first Congress. He was also a delegate to the Continental Congress during the Revolution. In 1784 he was chosen a member of the Corporation of Harvard College, and during the one hundred and seventeen years that have since elapsed, for sixty-seven of them a representative of his family has been one of the seven gentlemen who compose the self-perpetuating oligarchy

whose legal title is "The President and Fellows of Harvard College."

The Judge's oldest son, likewise named John, was a lawyer remarkable for his rapid and brilliant success at the bar, and for both his early admission to practice and his early retirement from it; he was called to the bar before he was twenty-one and retired at the age of thirty-six; there were no club houses in those days, but it was told me years ago, by one of the survivors of that time, that the Merchants' Insurance Office, then at the northeasterly corner of Exchange and State Streets, served to some extent as a Federalist club, and that Mr. John Lowell was to be found there pretty regularly every day, talking politics to a company of eager listeners and followers. He was an ardent Federalist, a person of an impulsive and excitable nature, always animated, and at times quite heated in conversation. He wrote more or less in the newspapers and also some pamphlets on political matters. He was a warm partisan, and may be properly called the oracle of the Federalists in this State. He belonged to our Historical Society, which from that day to this has always included among its members at least two of the descendants of this family. His only son, John Amory Lowell, entered neither of the learned professions which the family had followed for three generations, but returned to the business career which had been the pursuit of his more remote ancestors.

Augustus Lowell, the second son of John Amory Lowell, was born in Boston on the 15th of January, 1830. His mother, Elizabeth Putnam, was a daughter of Hon. Samuel Putnam, for nearly thirty years one of the Judges of our Supreme Judicial Court. He was fitted for college at the Boston Latin School. A frank, manly, ingenuous, high-spirited boy, he was a favorite both with his teachers and with his fellow pupils. He graduated from the Latin School in 1845, but did not enter college until the following year. He was so well fitted that he was not obliged to work hard to keep up with his class, and led a pretty easy life during his four years at Harvard. At the exhibition in the autumn of 1849 he had a part, an Essay on Scandinavian Literature, but his name does not appear on the programme of the exercises at the following Commencement.

The year after his graduation he passed with his family in Europe, and on his return went into the counting-room of Messrs. Bullard & Lee, a firm of which our late associate Colonel Henry Lee was the junior member. They were leading merchants in the East India trade, and both excellent men of business; here he remained two years and received a valuable part of his business education. During this time he had become engaged to a daughter of Hon. Abbott Lawrence, who, as is well known, was largely interested in the development and prosperity of the cotton manufactures of New England. On his father's side Augustus Lowell had by right of descent a strong interest in this undertaking. Francis C. Lowell, his father's uncle, was one of the founders of the cotton-spinning industry of New England. He built the first mill at Waltham, introducing and setting up there a power loom constructed from the scanty information he had been able to glean in England and Scotland, and perfected by his own subsequent labors and experiments. He was the first person who arranged all the processes for the conversion of cotton into cloth within the walls of the same building, and the city of Lowell was fitly named in honor of the man who established the industry that called it into existence. His nephew, Mr. John Amory Lowell, the father of Augustus, was early engaged in his manufacturing enterprises, and continued to be largely interested in these and similar industries during the whole of his active business life. It was quite natural therefore that Augustus Lowell should go, as he did on leaving the counting-room of Bullard & Lee, to study the business of making cotton in the mills at Lowell. After passing a sufficient time there, he returned to Boston, and in the house of J. M. Beebe, Morgan, & Company, became familiar with the modes in which the cotton goods that he had seen manufactured at Lowell were put upon the market and distributed to the smaller dealers and their customers. After a year spent in this way he formed a partnership with his friend, Franklin H. Story, a nephew of Judge Story, for the carrying on of the East India trade. This was terminated by the financial crisis of 1857, which was particularly severe upon the merchants engaged in the Calcutta trade; but Mr. Lowell always said that he and his partner made money, though not so much as they could have wished, by their East India business.

The manufacturing companies of Massachusetts also suffered greatly in this crisis, and Mr. Lowell's father, whose business interests and property were substantially all in various of these companies, found himself for the time seriously embarrassed and his fortune imperilled. His health was far from good; Augustus went into his father's office to assist him in his affairs, and this office they shared from that time until his father's death. This intimate daily association with his father had undoubtedly a great influence upon the son.

Mr. John Amory Lowell was a man of ability, of strong sense, possessing an extensive range of knowledge and information, and varied and widespread interests. He was a person of positive and decided opinions, and equally positive and blunt in the expression of them. He disliked opposition, and was rather overbearing than conciliatory to those who differed from him; and Augustus, as he sat for more than twenty years opposite his father at the same table, undoubtedly imbibed more of the peculiarities of the qualities and defects of Mr. John Amory Lowell than he had originally inherited. Intellectually this widened his range of interest and of knowledge. It enlarged his experience and strengthened his business capacity and judgment, and it perhaps tended to convert the frankness and directness of his speech, of which we have already spoken, into a brusqueness of manner and apparent disregard of others which was sometimes criticised in him; but it would be unjust to say this without adding that he had, underneath whatever roughness of exterior people sometimes found in his speech, an affectionate heart and a kindly nature which never forgot a friend or neglected to do an act of kindness. While he made no show in his charities, he was a liberal giver, and no case of real distress ever appealed to him in vain.

In 1864 he went abroad and remained in Europe for two years on account of his wife's health. On his return he resumed his desk in the office with his father, but engaged in no active business until 1875, when he became the treasurer of the Boott Mills. He was also for a few months in 1877 the treasurer of the Merrimac Company. In 1886 he resigned his position in the Boott Mills and never afterwards engaged in any active business, apart from the management of property. He was connected, however, in various capacities with a large

number of corporations, — was for years one of the trustees of the Provident Institution for Savings, and from 1898 its president; for twenty years a director in the Massachusetts Hospital Life Insurance Company, and was president of the Boston Gas Light Company; in the management of these and other corporations he took an active interest and often a decisive part in determining their policy. He belonged to the American Association for the Advancement of Science, was a Vice-President of the American Academy of Arts and Sciences, and, as has already been said, a member of our Historical Society.

The only public position ever held by him that had any connection with politics was during the two years (1857–58) in which he was one of the Boston School Committee.

To the educational and industrial interests of Massachusetts, however, he rendered in two ways services of the first importance. The Massachusetts Institute of Technology, which owed its origin to the public spirit, energy, and foresight of the late Professor William B. Rogers, was incorporated in 1861 for the purpose of educating both young men and young women who intended to devote themselves to industrial pursuits requiring scientific knowledge, instructing them in the application of the sciences to the useful arts. Mr. Lowell's father, who saw the advantage such a school would be to the manufacturing interests of New England, was among the first members of this corporation. Augustus Lowell became a member in 1873, when the heavy losses occasioned by the great fire of 1872 were most severely felt and contributed to increase here the business depression of that period. To these causes of financial embarrassment was added in the affairs of the Institute the resignation of Mr. Rogers, its first president, and for some years it seemed doubtful whether the Institute would survive the struggle or languish and die. As the country began to revive, however, the number of students began to increase, and since then the progress of the Institute has been steady and rapid. It had become obvious during the years of struggle that the governing body of the Institute as then organized was clumsy and not fitted to insure an efficient administration. Mr. Rogers felt this during his lifetime, and suggested the wisdom of selecting a small but efficient executive committee who should have the time and ability to give

the Institute a real supervision and to aid the president. No action was taken upon this suggestion of Mr. Rogers until after his death, when in April, 1883, upon Mr. Augustus Lowell's recommendation a committee was appointed to consider the matter. A month later they made a report proposing such a scheme of organization as Mr. Rogers had suggested. This was then adopted, and has worked satisfactorily ever since. Mr. Lowell was chosen one of the five members of the executive committee at its first organization, and his service upon it ended only with his death in June, 1900.

The work of this committee consists practically in the supervision and oversight of the entire field of the labors and interests of the Institute of Technology, and includes not only everything relating to the work of instruction, but also the management of its finances and property, and providing ways and means to meet its expenses. In this work in its every aspect Mr. Lowell was thoroughly interested, and his interest and devotion to it are perhaps best shown by the fact that out of two hundred and seventy-seven meetings of this committee, from 1883 to 1900, he attended two hundred and forty-seven. His business sagacity and experience and his knowledge of affairs rendered his advice on all financial matters most valuable, and his interest in the various manufactures and industries of Massachusetts made him keenly alive to the importance of the aims which the Institute had in view, and gave him intelligent and definite views as to the subjects which it was most desirable should be taught there, while from lack of funds the range of subjects was necessarily limited. The longer his connection with the Institute lasted the greater was his interest in it and his knowledge of everything relating to it. It occupied his thoughts very much as he dropped more and more out of active business, and when he was ill and in pain he employed his mind and partially forgot his sufferings in considering the various problems connected with its policy. On its twenty-fifth anniversary he delivered an address, giving an account of its history and development, of its modes of instruction and their adaptation to the developments of modern practical science.

His services were so appreciated by the corporation of the Institute that when, in consequence of ill-health, he tendered his resignation the year before his death, a letter was sent him

signed by all its members, expressing their feeling that they could not overrate the value of his services to the Institute; that to be deprived of them would be a most serious misfortune; and their earnest wish that he would assent to their taking no further action upon his letter, in the hope that his health might be so restored that the executive committee might continue to have the benefit of his counsels as one of its members, even though he should be unable at all times to attend its meetings. Mr. Lowell yielded to this appeal, and continued to serve on the corporation and executive committee, attending the very last meeting of the corporation only three weeks before his death.

In 1881 he succeeded his father as the trustee of the Lowell Institute. This unique charity, founded by John Lowell, Jr., a cousin and brother-in-law of John Amory Lowell, began its work in December, 1839. By the will of the founder he created a trust fund to the amount of one-half his property, the income of which not otherwise appropriated was to be spent in the maintenance and support of public lectures, to be delivered in Boston, upon philosophy, natural history, and the arts and sciences, or any of them, as the successive trustees should from time to time think expedient for the promotion of the moral, intellectual, and physical instruction and education of the inhabitants of said city, and in a codicil dated three years later he added: —

“As the prosperity of my native land, New England, which is sterile and unproductive, must depend hereafter, as it has heretofore depended, first, on the moral qualities, and secondly, on the intelligence and information of its inhabitants, I am desirous of trying to contribute towards this second object also, and I wish courses of lectures to be established on physics and chemistry with their application to the arts; also on botany, zoölogy, geology, and mineralogy, connected with their particular utility to man. After the establishment of this course of lectures, should disposable funds remain, the trustee may appoint lectures on literature and also on any subject that in his opinion the wants of the age may demand, and he may abolish those already established, replacing them by others he thinks more useful. But he shall not have power to abolish or fail to establish those courses of lectures in favor of which I have herein expressed a wish or desire that they should be established, neither shall he, for the sake of other objects, diminish the appropriation originally made in their favor.”

In the will of the founder, Mr. John Amory Lowell, the father of Augustus, was named as the trustee of the Lowell Institute, and a codicil to the will provided that each trustee within a week after his accession to his office should appoint his own successor, in order that no failure of a regular nomination may take place. This appointment is to be made by a sealed instrument to be delivered to the trustees of the Boston Athenæum, which is to be opened only after the death of the trustee who delivered it. The trustee is authorized at any time to revoke any such appointment and take back the paper, substituting another in its place; but in selecting a successor he is to choose, in preference to all others, some male descendant of Judge John Lowell, if there be one competent to hold the office of trustee, and bearing the name of Lowell. It will be seen, therefore, that the powers given to the trustee and the responsibilities and duties imposed on him are very varied and extensive, far beyond those usually intrusted to any one person in the management of a charity, and perhaps this is the reason for the great success in every point of view of Mr. John Lowell Jr.'s gift. Its financial affairs have been managed with so much skill, wisdom, and discretion that spite of the great diminution during the last sixty years in the income of invested property, the trustee has been able to continually increase the number and variety of his lectures; to engage as lecturers the leaders of thought and knowledge in every department of science, and the most eminent scholars in history and literature, to compensate them liberally for their lectures, and to enable them to illustrate these by such experiments, lantern slides, etc., as they might desire.

The policy of the Lowell Institute in its management and lectures originated with the first trustee, who fully justified its founder's reply, when told that he could find no one to carry out his purposes, "I know the man."

During the twenty years in which he occupied the same office with his father and was in daily and constant association and companionship with him, Augustus became thoroughly familiar with his father's plans for the Lowell Institute, and with the methods in which these were to be carried out, and when he became the trustee his highest ambition was to carry out these plans and to make the work of the Institute all that his father desired and intended. Mr. John

Amory Lowell had had the advantage, however, of a certain familiarity with the natural sciences, and was an excellent botanist, while Augustus Lowell had no special interest in or knowledge of any of them; but when at the age of fifty-one he became trustee of the Lowell Institute, he seems to have resolved to make himself at least so familiar with the varied subjects which by the will of its founder were to be treated of, as to be able to judge of the value of any course of lectures, and he carried out this purpose with characteristic zeal and determination; he acquired a knowledge of these subjects quite remarkable for a man taking up such pursuits so late in life. His scientific information and interests were varied and extensive, his recognition and appreciation of the leaders of scientific thought and discovery quick and clear. His devotion to his duties as trustee of the Institute and his interest in its success were shown by his constant presence at these lectures. For years he not infrequently attended every lecture of some of the courses, and unless he were absent from illness or some similar cause, there was never any course some portions of which he did not hear. He was so familiar a sight to all the habitual followers of the various courses, that if he were absent at any lecture, it was perfectly natural for one to say, "I wonder why Mr. Lowell was not there."

To the intelligent, devoted services of both father and son the success of the Lowell lectures bears ample and conspicuous testimony. Since the first lecture in December, 1839, there have been given nearly six thousand lectures, upon an infinite variety of important subjects and questions, — religious, literary, historical, philosophical, and scientific, including all the recent discoveries and developments in the various branches of natural science; and these lectures have brought hither and been delivered by the leading historians, divines, scholars, and philosophers, not only of this country, but of the English-speaking, and one might almost say of the whole civilized world. In how many of the hundreds of thousands who have listened to these lectures they have first awakened a thirst for knowledge, it is impossible to say; but there is one instance, that of the late distinguished chemist, Professor Josiah P. Cooke of Harvard University, where we have the professor's own word for the statement that at these lectures he received his first taste of real knowledge, that this taste

awakened an appetite which was never afterwards satisfied, and that in repeating, by his father's indulgence, in a small way experiments seen at these lectures, he acquired before he entered college a substantial knowledge of the great facts of chemistry. And certainly not the least of the benefits which the Lowell Institute has conferred on us was its bringing to this country Louis Agassiz, to whom we owe in this community the vast development in the interest, pursuit, and knowledge of the natural sciences which has taken place here within the last fifty years.

Augustus Lowell was a man of great business sagacity, prudence, and foresight; his knowledge and experience were extensive, his judgments well considered and usually sound. If he sometimes seemed to reach his conclusions quickly, it was not because he arrived at them hastily or by any snap judgment, but rather because the matters which called for his decision had often previously occurred to him as possibilities, been carefully and deliberately considered beforehand, and his conclusions substantially reached. He was tenacious of his opinions, able and earnest in advocating or defending them, sometimes perhaps insisting on them too strenuously; but if he were voted down, though he were not convinced, he at once accepted the result. He had a very high sense of business honor and propriety; if he thought that something ought to be done, he never hesitated to do it because it was disagreeable or seemed to be harsh, however painful and unpleasant it was to him personally to undertake it.

He was one of those men whom time ripens and mellows. He was from his boyhood a person of strong feelings and an affectionate nature. He never forgot a friend, and the intimates of his childhood were the friends of his latter days. He had by inheritance a strong love of horticulture, and found one of his great pleasures in his garden and greenhouse; and it is curious to note that this love for flowers was a distinctly hereditary taste. His great-grandfather, Judge Lowell, was president of the Massachusetts Agricultural Society, and contributed to the establishment of the Botanic Garden at Cambridge. His grandfather, the distinguished Federalist, after his retirement from the bar, was much absorbed in his garden and flowers. His father had the same tastes and interests, and was an enthusiastic botanist.

After his return from Europe in 1866, Mr. Lowell moved to Brookline, where he lived for many years, both summer and winter, and which was always his home. Here he died on the twenty-second day of June, 1900. His wife had died some years previously. Five children — three daughters and two sons — survive him.